

Lewis P. Perry to be postmaster at Gillett, Oconto County, Wis. Office became Presidential January 1, 1908.

Buck Williams to be postmaster at Iola, Waupaca County, Wis., in place on Buck Williams. Incumbent's commission expires January 21, 1908.

WITHDRAWALS.

Executive nominations withdrawn January 21, 1908.

POSTMASTERS.

ALASKA.

Augustus E. Kindell to be postmaster at Skagway, Alaska.
Jesse D. Jefferson to be postmaster at Valdez, Alaska.

LOUISIANA.

Charles A. Austin to be postmaster at Welsh, in the State of Louisiana.

OKLAHOMA.

J. S. West to be postmaster at Wellston, in the State of Oklahoma.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1908.

COLLECTOR OF CUSTOMS.

Frank S. Kellogg, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut.

POSTMASTER.

KANSAS.

William C. Edwards to be postmaster at Wichita, Sedgwick County, Kans.

HOUSE OF REPRESENTATIVES.

Tuesday, January 21, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed without amendment bill of the following title:

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2901. An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims;

S. 2028. An act to amend section 605 of the Code of Law for the District of Columbia, relating to corporations;

S. 438. An act to divide the State of Oregon into two judicial districts; and

S. 902. An act authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company in the District of Columbia, and for other purposes.

Also the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2725) to extend the time for the completion of the building of dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.

REVISION OF THE CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701. When the committee rose on Thursday last by unanimous consent two amendments offered by the gentleman from Texas were pending. Without objection, the Clerk will report the first amendment.

The Clerk read as follows:

Add a new section, to read as follows:

"Sec. 112a. That it shall be unlawful for any railroad company, or sleeping car, dining car, steamboat, express, telegraph or telephone company, or any company incorporated by act of the Congress of the United States, or any corporation or firm engaged in interstate commerce, to give to any Senator or Representative of the Congress of the United States, or to any judge or justice of any court of the United States, any free transportation of person or property, or frank, franking privilege, or money, or other thing of value; and any company or person violating any of the provisions of this section shall be punished by fine of not less than \$100 nor more than \$5,000 for each such offense; and any officer or agent of such company or companies who shall violate any provisions of this section shall be punished by fine not to exceed \$5,000, or by imprisonment in the penitentiary for not less than six months nor more than two years, or by both such fine and imprisonment.

"That if any Senator or Representative in the Congress of the United States, or any judge or justice of any court of the United States, shall receive from any railroad, steamboat, sleeping car, dining car, or express company, telegraph or telephone company, or any company chartered by an act of Congress, or any corporation or firm engaged in interstate commerce, or officer or agent of any such firm, company, or companies, any free transportation of person or property, or any frank or franking privilege, or gift of money or other thing of value, he shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not to exceed \$1,000, or by imprisonment not to exceed one year, or by both such fine and imprisonment, and shall forever be barred from holding office under the Government of the United States."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. RANDALL of Texas. Mr. Chairman, I wish to make some remarks in furtherance of the amendments offered by me.

The two amendments reported here are sections 112a and 112b. The first simply says that the Congress of the United States and the Federal judiciary shall not receive gifts from the public-service corporations and the trusts of this country. The second one is that the Congress of the United States shall not be employed and paid as the attorneys, agents, or officers of public-service corporations of the United States. Both these amendments are of great importance, not only as affecting the honor of the Congress of the United States, but also the interests of the people in reference to legislative matters. If what I propose here were already the law, there is not a man in this House would dare propose its repeal—not one. It is not the law now, but it should be made the law. The Congress of the United States should be composed of men not only competent, able, and honest, but absolutely disinterested as well. We permit no man on a jury who is interested in the cause to be decided. The interest of a witness often disqualifies him and always detracts from the weight of his evidence. A lack of confidence arises where an interest is disclosed. The statement of one's agent, attorney, or representative is received with caution.

If a judge upon the bench has any interest whatever in a pending cause or has ever advised in reference thereto, he is disqualified to sit in that case. If a lawyer is employed on one side of a case, he can not be retained upon the other side. A Member representing a railroad is not a proper person to represent the people in railroad regulation.

It would seem that perhaps the question of propriety would control legislative bodies, that the ethics of the Congress might be sufficient; but, Mr. Chairman, it is well known that the proprieties do not prevent Members from receiving employment by the railroads and other public-service corporations. Not only a few, but many receive gifts from such corporations and use franks and privileges worth large amounts of money. It is understood that when a gift is made an obligation ensues. The standard of manhood may be estimated largely by the amount of gratitude displayed. To receive a gift means to put you under obligation to the person that gives it, and it is understood that obligation will be paid in kind whenever occasion offers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL of Texas. I ask that my time be extended.

Mr. SHERLEY. I ask unanimous consent that the gentleman have ten minutes.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Texas be extended ten minutes. Is there objection?

There was no objection.

Mr. RANDALL of Texas. If, as I was saying, a gift is received, it is understood, among men of high moral character, as well as among those of any standard of morals, that there is a certain obligation accepted with the gift recognized as gratitude. It is understood that there is even "honor among thieves." They may steal from the public, they may rob the passer along the highway, but they are supposed to divide in honor the plunder that they take.

When the people of the United States employ and intrust you and me to come here and make laws for them we ought to consider the situation, and if the present condition is such as to reflect upon the honor of the Congress it ought to be corrected. You owe it to the people of this country not only that you do what is right but that you avoid the "appearance of evil." Is there any man within the sound of my voice who will deny that it is generally understood in this country—and to speak plainly, you and I know it to be a fact—that a large percentage of the Congress of the United States has been in the habit of receiving presents from public-service corporations, such as free use of railroads, telegraphs, and telephones, worth a great amount of money to men who have use for them. If a railroad company was to offer you or me a hundred dollars in money, and we were to take it, we could not cover up the appearance of that. Every man would say, "Why, there is a gift of a hundred dollars!" a small amount of money, but it is money; and he would exclaim, "What did he receive it for?" "Why was it given?" It would not be called a courtesy—it would be a bribe! But privileges may be accepted which are worth thousands of dollars, and the same questions are not asked, the same idea is not conveyed. The system of such giving has been habitually designated as "extending courtesies."

[The Chairman rapped with his gavel for order.]

Mr. RANDELL of Texas. I think, Mr. Chairman, I can make myself heard well enough so that everybody who desires to hear me can do so, if gentlemen who do not desire to hear will not disturb by noise or converse in too loud a tone. I am telling you some things you ought to hear, and I am saying them in all good purpose. I do not propose to say some things that could truthfully be said here, but that would perhaps hurt; I am appealing to the Members of this House, and I do not appeal in vain when I appeal to the manhood and honor of the representatives of the people of the United States. I say where a condition exists, where in appearance the honor of the Congress is attacked before the country, and there is any ground on which to base scandal, if in any way we can wipe out that appearance or remove such ground—if there is anything we can do that will clear up the atmosphere and promote the honor of the Congress of the United States—it is our duty to do it; and we will do it.

Gentlemen, this is not a new proposition. The committee having in charge this bill has no right to take the position that you and I should not vote this legislation into the statute books because it is not embraced in their bill. Why, in the existing law and in the new propositions that they have brought forward, penal legislation is enacted and sought to be enacted here in this bill, saying that Members of Congress, if they do certain things, shall be sent to the penitentiary. Is it possible that the opponents of this measure will claim it is proper that the Congress should receive gifts or accept employment from public-service corporations? Do you mean to say that you think Members of Congress are not human?

Why is it, then, that you pass a law saying a Member of Congress shall not take a bribe? If it is necessary to have a law to say that a Member of Congress shall not take bribes, why leave it open so that he can take gifts or employment? A gift is simply a general bribe when it comes from a public-service corporation to a lawmaker or Representative of the people. It is intended to influence his judgment, and you know it; and when you receive it you receive that which you ought not to take, and you know it. But this system grew up gradually. It did not come all in a day. It has been absorbed by Congress and the courts and the State legislatures as a subtle poison, stealing its way into the vitals of the country. It has grown up, and it is against this growth, against this condition that I inveigh. This legislation has been before Congress for several years. During the Fifty-ninth Congress this first proposition was reported unanimously by a subcommittee of the Judiciary. It was not reported to the House because it was defeated on a tie vote in committee. It is no new thing. I have not met a Member yet but who says it ought to be the law. I ask you, then, why not make it the law? Do you say there is no necessity for it? The people feel the need of it. The trusts are plowing with their cattle. If it was the law, would you repeal it? Then why not let it go into the statute now? Why not make it as an amendment to this bill? Why not let it be considered as a non-partisan matter, as it should be?

No matter what the political party we belong to may desire about it, we are Members of Congress, we are intrusted by the people of the United States to make the laws, and this is a matter that affects the honor and the good name of every Congressman. Now, gentlemen, why not put it into the code, not by some special bill urged by a political party, but put it there by the action of Congress sitting to revise the penal laws and sup-

plying what has been overlooked in the past. The reason this law was not in our Constitution was because public-service corporations did not exist in those days as they do now. The great public-service corporations of to-day were unknown when our fathers made the Constitution; but they, in their wisdom, understood that a gift to one who was a servant of the people was a dangerous thing. Even in that day, when patriotism was at its very height, when these men who had given their lives to the service of their country had just won its independence, they put in the Constitution, the fundamental law of the land, a guaranty that no servant of the people, no officer of this Government, should receive any gift or emolument from any prince, king, or foreign state. Why did they put that in the Constitution? Their representatives were honorable men and their patriotism was at its very height; they had just come out of a bloody war, and every man was ready to give his life for his country, and yet our forefathers saw the necessity of guarding against these gifts.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. RANDELL of Texas. Yes.

Mr. DRISCOLL. I would like to ask the gentleman this question.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. DRISCOLL. Suppose a firm in New York is engaged in manufacturing goods which go into interstate commerce, and they have an attorney, and the attorney happens to be elected to Congress. During vacation that same firm or corporation employs the attorney to do its business. Would that attorney be liable under the provisions of this amendment proposed by the gentleman from Texas?

Mr. RANDELL of Texas. He certainly would, if the firm was engaged in interstate commerce. "No man can serve two masters." If he wants to serve the corporation, let him do it; but, if he wants to serve the people of the United States, let him drop the corporation.

Mr. DRISCOLL. But his constitutional obligations do not require him to sit idle all through the vacation?

Mr. RANDELL of Texas. No; and it would not violate the law if he consulted the Constitution and studied his duties to the people by whom he was elected. If he wants to represent the people in the legislature or in the Congress of the United States, he ought to quit the railroad; because the railroad comes up (properly, of course) on one side and the people on the other. The Representatives and Senators should serve the people only.

Mr. DRISCOLL. I am not talking about public-service corporations—

Mr. RANDELL of Texas. I am talking about anybody that is elected to the legislature or to Congress who wants also to serve the special interests.

Mr. DRISCOLL. I am talking about manufacturing corporations engaged in interstate commerce.

Mr. RANDELL of Texas. That applies the same way. Any concern that has an interest in special legislation before the Congress ought to be represented by somebody who is not on the floor of this House.

Mr. GRONNA rose.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from North Dakota?

Mr. RANDELL of Texas. Yes.

Mr. GRONNA. I want to ask the gentleman if it is not a fact that under the Hepburn law the transportation company can not issue a pass which is in the nature of a gift?

Mr. RANDELL of Texas. Oh, perhaps so; but I will state to my friend that the pass is a mere incident. The principle involved is that you must not receive a gift. Why not make it read in that way? Why say that you shall not receive a dog, or a horse, or a cow, or a mule, or a goat, or a pass? Why name all the things of the earth? Why not simply say that you shall not receive a gift? That includes them all. That is what this amendment means. As I was saying a while ago, our forefathers guarded against this evil. They realized the fact that the danger then was from without; that kings, princes, and foreign states were liable to gain influence with the officers of this Government by giving them gifts. To-day we find that the great public-service corporations of this country—and most of them are in the hands, at least to some extent, of what we call the trusts—come here and they influence this House; they influence

the whole Congress. How? Why they use their arguments; they use their just and lawful means; and they give gifts to Members who will receive them; they give employment to Members who will take such employment; and I do not believe there is a Member here who will say that he thinks they lose anything by those gifts, or that they make a mistake when they pay for the employment. It pays them to do it; it pays the Members who take it; and the people are the losers.

Mr. CRUMPACKER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RANDELL of Texas. Yes.

Mr. CRUMPACKER. Is the gentleman's amendment broad enough to make it a criminal offense for a corporation engaged in interstate business to loan a Senator or Representative any sum of money?

Mr. RANDELL of Texas. Well, it does not exactly include that, but if the loan was not to be repaid [laughter], if it was really in fact a gift for an improper purpose, I think, as a matter of fact, if we could show what the purpose was, show the interest of that party, and that it was for official corruption, we could get that man and that company under the bribery law.

Mr. CRUMPACKER. Is there any practice of that kind within the gentleman's knowledge that requires legislation of that broad and drastic character?

Mr. RANDELL of Texas. I don't know of any particular instance that I care to mention, or that I could testify to personally. I am not speaking personally. I am talking impersonally. I am not here to attack any man, or reflect upon any man, or to hurt the feelings of any Member. I am here simply talking about a situation, and I will ask the gentleman this question—

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDELL of Texas. Mr. Chairman, I ask unanimous consent to proceed for ten minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time may be extended for ten minutes. Is there objection?

Mr. DALZELL. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that he may continue for five minutes.

The CHAIRMAN. The gentleman from Texas ask unanimous consent that his colleague may proceed for five minutes. Is there objection?

Mr. RANDELL of Texas. I want to make a point of order first. I am speaking on a matter—

The CHAIRMAN. The Chair hears no objection.

Mr. RANDELL of Texas. I want to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANDELL of Texas. The point of order I was going to make—I will make it anyway—it is this: I have an idea that under our rules no man has a right to vote on these matters, or take any part in them, if he is interested, and I hope the Chair will not recognize any gentleman to object to my remarks if that gentleman is a representative of any public-service corporation. [Applause on the Democratic side.]

The CHAIRMAN. The Chair will not be able to pass on that question.

Mr. RANDELL of Texas. That is one reason, Mr. Chairman, for this legislation—they don't bear any tag on them, Mr. Chairman; they don't bear any tag or anything of that kind; we can not identify them; we can not tell who they are.

Mr. DALZELL rose.

The CHAIRMAN. Does the gentleman yield?

Mr. RANDELL of Texas. I only have five minutes, and he won't let me have any more time. I yield for a question.

Mr. DALZELL. If the gentleman from Texas means to insinuate that I have any connection—

Mr. RANDELL of Texas. The gentleman from Pennsylvania should hear me out before he interrupts—

The CHAIRMAN. The gentleman did not insinuate anything of that kind.

Mr. DALZELL. That is what the gentleman said, and he gets applause on the other side.

Mr. RANDELL of Texas. I make the point that nobody ought to interrupt me if he is representing a public-service corporation. If the gentleman says he does not do that, it does not apply to him; if he does represent any such corporation, it does apply to him. That is all there is about it. I insinuate nothing.

Mr. DALZELL. I understood the gentleman to insinuate—

Mr. RANDELL of Texas. I did not insinuate anything.

Mr. DALZELL. I protest against any such insinuation on the floor of this House, unless the gentleman has some knowledge to justify him in making such an insinuation.

The CHAIRMAN. But the gentleman disavows any insinuation.

Mr. DALZELL. His disavowal and his language do not go together.

Mr. RANDELL of Texas. Does the gentleman say that he does not represent a public-service corporation?

Mr. DALZELL. I represent no corporation of any kind, nor have I for twenty years.

Mr. RANDELL of Texas. We are very glad to hear that. [Applause on the Democratic side.] Now, then, Mr. Chairman, you see exactly how it is. As long as the law stands as it is a Member of Congress can not appear before the Departments; he can not have any interest in a contract—you cut him off by law; he can not take a bribe unless he is put in the penitentiary, but he can receive gifts and employment; and as long as this is so he can be slandered by men who wish Congress to stand on as low a plane as possible. If you enact this law, no man can say Members of Congress are receiving gifts of any kind or that Members of Congress are in the pay of public-service corporations. Then should any man charge such a thing, it would be charging a crime, and he would have to make good his word or stand for a liar. Why not clear the fair name of this Congress? The gentleman from Pennsylvania says he has not been a representative of a public-service corporation for twenty years, and has only been in Congress twenty-two years; and, I dare say, that many people have been unkind enough to slander that man. I say remove the cause.

Mr. DENBY rose.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Michigan?

Mr. RANDELL of Texas. Yes, sir.

Mr. DENBY. Does the gentleman from Texas understand the measure to preclude any farmer from employing a lawyer to represent—

Mr. RANDELL of Texas. If the gentleman thinks it does, he really ought to resign his seat and have somebody come here who can understand plain words; there can be no such construction given the amendment.

Mr. DENBY. The farmer's product is interstate commerce.

Mr. RANDELL of Texas. Nobody on earth would give that construction or accept it. Don't interrupt me in that way—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. Mr. Chairman, I object to the consideration of this proposition at this time for three separate reasons: First, it is not at all germane to the subject under consideration. The title we are now considering has absolute reference to official duties. Section 112 and section 113 refer to an attempt to bribe a Member of Congress or Senator in reference to anything that comes before him in his official capacity, and the attempt to introduce this question here—an amendment that relates to accepting a pass or other privilege from an interstate corporation without reference to his official duties—would mar absolutely the symmetry of this revision. If it has any place whatever, if it ought to be considered at any time, it ought to be considered under another title altogether. That title will be before this House at some time in the near future in another part of this law now before the committee, and upon which it expects soon to report. This subject has already received the attention of the Congress. In June, 1906, in the rate bill nearly every subject sought to be covered by this section was provided for. You all remember that carefully considered bill in the first section defines a common carrier. That definition of a common carrier included almost everybody that is included in this section of the bill. It included steamboat transportation, railroad transportation, express companies, and sleeping car companies, but did not include the two other classes of corporations included in the amendment, to wit: Telephone or telegraph companies. Under this rate law of 1906 Members of Congress and Senators are absolutely prohibited from receiving any passes, discrimination, or consideration at all from any of the said companies embraced in this new section which the gentleman asks us to incorporate in this title. Therefore, I say to the gentleman from Texas that if this new section has any reference to this law, which I think it has, and if it ought to be considered at any time, it ought to be considered under title 52, when we come to a revision of the rate law, or the interstate-commerce law, to which it would be germane, and should not be included in the present title, where it would disturb or destroy the systematic classification in the proposed revision.

For another reason, Mr. Chairman, I object to its consideration at this time. The gentleman in his speech upon the subject has told you the facts—that these provisions were before the Committee on Interstate Commerce, or, I think he said, be-

fore the Judiciary Committee, in connection with this bill of 1903, and that it failed to get the approval of that committee.

Now, therefore, for the reasons heretofore stated by this committee as a cardinal principal of procedure—that it is not the purpose of the present revision to consider now subject-matters of legislation upon which committees of the Congress have refused to pass favorably, or any provision of law that brings under the operation of a criminal statute a class of persons different from those under the existing law, or which brings as a definition of crime a subject other than that upon which Congress has not heretofore seen fit to legislate upon—to include either of these classes of subjects in this revision is entirely apart from and foreign to the purposes of the revision itself. Therefore I ask that this amendment shall be voted down without a consideration upon its merits.

Mr. PAYNE. Mr. Chairman, I am not only opposed to this amendment for the reasons suggested by the gentleman from Pennsylvania [Mr. Moon], but I am opposed to the amendment itself. I have been in Congress several years and I have not lost confidence in the character of the men that are sent here to represent the people. They are generally picked men from their districts, not only on account of their intellectual abilities, but on account of their integrity in every relation and walk of life. And I do not like to see a gentleman who happens to get a seat here rise in his place with an amendment like this—one that casts a slur upon every gentleman who holds a seat in this honorable body, singling them out and thinking to prevent them from engaging in the average and ordinary avocations of life. Under this amendment they could not engage in any business whatever with a corporation, and if the gentleman has left anything out it seems to be because he has overlooked it in drawing his amendment, although he has not overlooked it in the temper of the speech which he has just been making. If he has overlooked the question of accepting a loan from a corporation, it seems that he has overlooked it simply in drawing the amendment which he offers. Why did he not go to that extent? Why did he not say that a Member of Congress shall not buy a bushel of wheat of a corporation that sometimes engages in interstate commerce by sending their products that way? Why did he not cut them off from farmers, who buy and sell and engage in business, and say that a Member of Congress can not engage in business with any citizen of the United States? Why did he not go further and provide that a Congressman can not buy the necessities of life of these corporations and can not exist anywhere in the United States?

This is not simply politics. I made a little speech the other day on this bill in which I had not alluded to politics in any way, shape, or manner. I desired to go on with the bill, and I was accused straightway by the other side of introducing politics here. No politics have been introduced into this bill except by attempts coming from the other side. It is painful to think that Members who are here for the first time or the second time representing, say, some district in the State of Missouri, have found out that there is danger that the State of Missouri may align herself permanently on the Republican side, and when they come to realize that they think that they can not return here unless they get something demagogic in the way of amendment into this bill. And hence it is that we have these attempts made all along the line, and not on the merits of the proposition, not at all, but simply with the idea of catching some gudgeons who happen to vote somewhere in the United States. They are out-Heroding Herod in the number and multiplicity and the drasticness of these amendments.

Now, Mr. Chairman, both Houses of Congress considered the pass question in the last Congress. I think that there was no question that ever received so much attention from a conference committee as did that one. They brought in reports which were voted down in either House, and they went to work again and finally brought in a section which seemed to cut off passes in every direction, and that was promptly put into the Hepburn bill and became a part of the law of the land. And since that time I have not known of any man, and I have not suspected any man, of violating that section who happened to be a Member of Congress. And now they come in here and ask that Congressmen be separated from all of the people of the United States on the pass question, and under this drastic amendment which has been offered if he accepts a pass we can not trust him with the other people of the United States. They can not trust him with the ordinary citizen of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. They can not trust him with the editors and

proprietors of newspapers or any other class of citizens, but he must be singled out and say that nothing will ever deter him from accepting passes unless there is a penalty clause added to a statute that not only fines him and imprisons him, but makes him infamous by the provision that hereafter he shall never hold any office of trust or emolument in the United States.

Why, it seems to me, Mr. Chairman, that such an amendment as that—I want to be parliamentary—if offered outside of this question, would be demagoguery gone mad. Of course, offered here it is entitled to respectful consideration; but I insist that it is entitled to a negative vote from every man in this Chamber who has confidence in his own integrity and confidence generally in the integrity of the men who come here to represent the people in the various districts of the United States. I would like to get on with this bill; I would like to have it become law. Still, I will not deprecate those various amendments which are offered to these laws. The gentlemen who offer them possibly think they can get some advantages in their district, and, fearing a contest with the other party or some one within their own party, are bringing up amendments before this House for their district. I do not deprecate it, but I think we are spending altogether too much time, and we ought to have less talk and more votes and more progress with this bill. Then, if a gentleman thinks he has a grievance, if he really thinks that a Member of this House should be subjected to the infamous punishment which would attach to the bill, if he thinks that the general law affecting all the people of the United States is not drastic enough when complied with in reference to this law, let him present a bill and send it to a proper committee for them to bring in their reason why this should be applied to Members of Congress.

Mr. RANDELL of Texas. Will the gentleman allow me to ask him a question?

Mr. PAYNE. Certainly.

Mr. RANDELL of Texas. If I introduce a resolution in this House to have a nonpartisan committee, composed of Members appointed to investigate and find out how far this section is being violated, will you, as the leader on the other side of this House, favor it?

Mr. PAYNE. No; and I would not vote for it. [Applause on the Republican side.] And I will tell the gentleman why. We have the courts organized in this country for some purpose under the sun. If there is a violation of the law, the gentleman, not as a Member of this House, not as a Representative of a district in Texas, but as a citizen of the United States, has the right to go into the courts and make complaint—if he knows of any violation.

Mr. RANDELL of Texas. It is not a violation now.

Mr. PAYNE. If the giving of a pass is not a violation of the antipass law, I do not know what is a violation of law, I supposed we had provided for it. It is very plain. I do not believe the House of Representatives was ever intended to be a grand jury to go out and look into violations of a law of this kind. I think that the courts are properly constituted for that purpose, and we may safely trust the grand juries of the country, at least so far as I know them in my section of the country, on questions of this character. We have no use and we have not the time to take up in the House of Representatives, which costs \$150 a minute, according to a statement made yesterday, on discussions of this character. [Loud applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I want to ask unanimous consent that I be recognized for ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Mr. Chairman, individually I always like to hear a lecture from the floor leader of the majority [Mr. PAYNE]. He has a perfect right to lecture his own side of the House, but he has no right whatever to lecture this side of the House. He seems to be disturbed because certain new Members from Missouri have participated in this debate. It is true that some of the new Missourians have spoken here, and they have spoken in such able manner as to please all who heard them. It is also true that many other new Members have made excellent speeches, on which I congratulate them most heartily. I wish to say that the new Member, the first term, has as much right to express his opinion in this House as a gentleman who has been here as long as I have, or even as long as the gentleman from New York [Mr. PAYNE] has [applause]. What is more; I have undertaken to seek out the talent on this side of the House among new Members and I have insisted with them personally

that they get into these debates and make their merits known; not only with new Members from Missouri, but new Members from everywhere else where I can get their ears. I am proud of the results of my suggestions in that regard. These new Members have justified my hopes.

I will state another fact to the gentleman from New York that may be of interest. Twice since I have been here, now thirteen years, I have seen Missouri have as high an average of talent in its delegation as any State in the Union, and it would have been so all the time if it had not been for two land-slides. [Laughter and applause.] If these new Members from Missouri stay here a reasonable length of time, Missouri will again have one of the strongest delegations in this House, because I know every one of them, and know what they are worth. [Applause.] So much for that.

The gentleman seems to have felicitated himself with the delusion that there is some question as to how Missouri is going to vote in the coming election. I will give him some very valuable information on that subject suddenly. In the last Presidential election 75,000 Missouri Democrats stayed at home because they did not like a certain telegram sent from Esopus to the St. Louis convention. That is the plain English of it. They did not join the Republican party, because Roosevelt, although he carried the State by 25,000, received only 7,000 more votes in the State of Missouri than McKinley got in 1900, and that was not the natural increase of 275,000 Republican voters in the four years. These 75,000 stay-at-home Missouri Democrats are not dead. They have not moved away, and they will be first at the polls next November. The situation is that on the 8th day of July we intend to nominate William J. Bryan for President of the United States. [Prolonged applause.] And with Bryan as the Presidential candidate, Missouri is safe for 60,000 Democratic majority. [Applause on the Democratic side.]

I have stated who our nominee is. I will risk my head on the proposition that there are not ten men on the other side of the big aisle who will dare to stand up here and say who they are for for President. [Laughter and applause on the Democratic side.]

Mr. BOUTELL. I can tell the gentleman from Missouri who "the gentleman from Illinois" is for.

Mr. CLARK of Missouri. You are for Uncle JOE CANNON. I know who you are for.

Mr. BOUTELL. I am not only for Uncle JOE CANNON; I will go further. You may nominate Bryan in July, but we will elect CANNON in November. [Applause on the Republican side.]

Mr. CLARK of Missouri. Are you dead certain that the Administration forces would be for your Uncle Joe?

Mr. BOUTELL. Every Republican in the United States will be for him.

Mr. CLARK of Missouri. Oh, do not you believe any such stuff as that. Were you at that Gridiron dinner down here when Roosevelt and FORAKER had that fuss? [Laughter.]

Mr. BOUTELL. That was simply one of those little ebullitions that will be entirely forgotten by November, and every Republican in the country will vote for the Republican nominee who is named in June.

Mr. CLARK of Missouri. Do you believe that men who were in the frame of mind that Roosevelt and FORAKER were that night would ever support each other for President of the United States?

Mr. BOUTELL. Certainly.

Mr. CLARK of Missouri. They never will while the world stands.

Mr. BOUTELL. They will do it with pleasure.

Mr. CLARK of Missouri. I have heard of that kind of pleasure before. [Laughter.] Now, Mr. Chairman, we have had one lone fisherman [laughter], only one brave Republican soul, and so I will proceed.

Having disposed of the political phase of this situation, I want to make a few further remarks to several people here. In the first place, certain gentlemen have assumed a very peculiar attitude about this bill. I had intended to make these remarks some time before, but did not find it convenient to do it. The gentleman from New York says it is important that this bill be passed. I say so, too. Being a lawyer, and having had a good deal to do with criminal laws, I understand perfectly well that this codification ought to take place, and it ought to take place as speedily as possible. The statutes have not been revised for thirty-one years, and it is a tremendous job to find out what the law is. As a matter of fact, a man could never be certain that he did know what the law was. For instance, a man called it to my attention this morning where this committee, that has done an admirable piece of codifying (I will say that for them), had overlooked a subse-

quent statute in regard to a certain section reported in this bill. The position taken that we should not amend these laws seems to me to be untenable. It is the only opportunity we will have to amend these laws in ten or fifteen or twenty or thirty years, except by the process of introducing individual statutes here. Even if you get a favorable report from a committee, unless the Committee on Rules will intervene to take your bill out of its place on the Calendar and put it up at the top of the Calendar you do not have any chance to get your statutes passed. Personally I have a high regard for the members of the Joint Committee on the Codification of the Laws. They are not individually or collectively responsible for these laws. They discharged their duties by reporting to the Congress such laws touching criminal matters as they found on the statute books—merely that and nothing more. In no proper sense do they father these statutes, and they have no responsibility for them.

There may have been some politics talked over here, and perhaps some over there. I undertake to say, Mr. Chairman and gentlemen, that it does not hurt the Congress of the United States and it does not hurt the people of the United States to have a little politics talked sometimes, even here. There is not a man in this House who is not a politician. Thomas B. Reed, that masterful and brilliant man, said that the difference between a politician and a statesman is that a statesman is a politician who is dead; and I have this abiding faith about this House, and I am proud of it, while the talk goes on about the decadence of the House, that there are some of us here now, I do not know who we are, that are rated as politicians now who will be rated as statesmen by the men of the succeeding generations. That is the way it has run all the time, and we might as well practice ourselves in political thought and political speech a little occasionally. Some of these gentlemen may have wasted a little time—I do not know whether they did or not—but I want to suggest this to the gentleman from New York, that there were three entire weeks wasted before the Christmas recess. If they had brought the President's message in here and made the usual motion that the gentleman from New York made in January, if that motion had been made in December, then all these gentlemen who want to make speeches and think they are under the necessity of making speeches could have made them on the President's message instead of making them on this bill.

But there must be some place in the workings of this House where a man can make a speech out of time and not germane to the subject under discussion.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. That is the case, and everybody understands it. That is the reason for the rule that when the House is in Committee of the Whole House on the state of the Union to consider an appropriation bill you can speak on any question under heaven, providing you can get the time. You might as well quit kicking about amendments; some of them are valuable and some of them may be frivolous. That does not make a particle of difference. That will be the case no matter what law you are revising; each Member has his own ideas; many men of many minds.

We are going on and we are going to amend this bill. There is only one power in the Capitol that can keep us from amending the bill when we want to, and that is the Committee on Rules, backed up by the majority.

I am not in favor of squandering time, but while at it I am in favor of making the laws as we want them, and these men have the right to make speeches. It is a thing they have a right to argue about, because nearly all the men over here are practitioners of the law. I am not going to argue this amendment, either pro or con.

I will tell you what I believe about public men. I think they are more honest than they get credit for, to begin with. [Applause.] In the second place, I think that the man who holds a public office ought to be like Cæsar demanded his wife should be—absolutely above suspicion.

I will give you a sample of what I consider public honor. John Quincy Adams was one of the most disagreeable personages that ever sat in the White House, but he was thoroughly educated. He had an extremely delicate sense of honor, and I give him that credit and glory. When he was elected to the House after he was President he owned some stock in the old United States Bank, and he went immediately after his election

and sold that stock, on the ground that there might be legislation involving the property of the United States Bank in Congress, and I commend his example to all of us. [Applause.]

While I am talking about John Quincy Adams I will tell you another thing that I commend. He is one of three or four United States Senators that ever had conscience enough, when he was instructed by the legislature of his State to vote in a way that he thought was improper, to resign his office and go home. That is to be commended in him, too.

Now, having cleared up these little matters, Mr. Chairman, I thank the committee very much for its attention. [Applause.]

Mr. KEIFER. Mr. Chairman, I shall not attempt to imitate the distinguished gentleman from Missouri [Mr. CLARK] in the matter of carefully avoiding a discussion of the amendment before the committee. I shall have occasion, probably, in the five minutes' time allotted to me, to call attention to the proposed amendment. Some have complained about politics in this House, and that we have not enough of them. We are trying, especially the gentleman from Missouri, to get back into that condition which led the late great Senator from Missouri, Thomas H. Benton, more than sixty years ago, in the Senate of the United States, to paraphrase that memorable exclamation of Madame Roland from the cart in which she was being taken to the guillotine to be beheaded, which was: "Oh, liberty, liberty, how many crimes have been committed in thy name!" Benton said it should be paraphrased thus: "Oh, politics, politics, how much bamboozling has been done in thy name!" [Laughter and applause.] Now, whether or not this is bamboozling in this amendment, I simply rise to say that I fear such proposed legislation will bring a scandal on the age in which we live. I am older than most of the people here, but it is my belief from experience that we are a better people to-day in all respects, in official character and otherwise, than any people that has ever existed in this land or in any other. [Applause.]

If we have been without such drastic statutes for one hundred and thirty years, we can get along better without them now than in the past. A few instances are attempted to be given by the distinguished gentleman from Missouri [Mr. CLARK], last upon the floor, intending to demonstrate that in earlier times we had better and purer statesmen. It would not do to rake through the embers of the past, or we might find that which would take away some of our veneration. You do not have to go but a few steps from the north end of this Capitol to see standing yet monuments of syndicates that were formed in the days of George Washington—and he was charged with being a party to them—to build up and get the best and most valuable property around the Capitol building. They failed like many others who go into syndicates; and some German fellows went down in the swamps along what is now Pennsylvania avenue and started to build the city, and started its growth westward, and it has been growing thence westward and northwestward ever since. I do not intend to go further into that. I do not believe in defaming my age and the people of this generation, as is so common by would-be assumed virtuous statesmen.

The Congressmen, I believe, of to-day average better intellectually and morally in all that goes to make up honesty than they ever did before. Why should we legislate as though we were all watching to take bribes? Why should we legislate in that way now? We ought to tear down our churches and schoolhouses and say that the Christian religion and common education are a failure in this country unless we have grown wiser and better. But enough of that. The draftsman of this amendment has been careful to designate certain corporations and firms that are not to give bribes to Members, and it is in line with other proposed legislation that certain corporations and firms shall not contribute to political campaigns; but if the amendment here pending and the other proposed amendments fall short of meeting the case, if the gentleman is afraid of a bribe coming to some brother Member—I will not say himself—let him broaden his amendment so that we shall not have these things come from the wealthy men—the individuals that are left out and were left out in the last national campaign and who were permitted to make large contributions to the Democratic campaign fund in 1904, and in other campaigns.

Why not make it a penitentiary offense to take from individuals the right to make political contributions and to take from the leader of the sugar trust and other wealthy individuals who advocated the election of Parker in 1904 their right to make such contributions, and make it a penal offense for them to make such contributions and for anybody to accept gifts from such as those? Why, it is reported that the man who was nominated on the ticket for Vice-President of the United States in 1904 was nominated because he would give

\$200,000 to that fund to carry on the campaign to elect the Democratic ticket.

Mr. BARTLETT of Georgia. May I interrupt the gentleman a moment?

Mr. KEIFER. Yes; if I have any time.

Mr. BARTLETT of Georgia. You got your campaign fund from the insurance companies, I understand.

Mr. KEIFER. No; only partly. [Applause and laughter.] You got part of it, too; you got part of that yourself, so that in that we stand on a par.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I shall not ask any further time.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Ohio [Mr. KEIFER] has asked why we should pass legislation that reflects on the membership of this House. I never have believed that when you sent a bank examiner to a national bank to examine the affairs of that bank you reflected on the president or the officers of the bank. I never have believed that an honest man objected to having his books balanced, and it is only the man who fears discovery that is not willing to throw the light of day on all his transactions. Mr. Chairman, there is nothing new in this class of legislation. We have enacted laws prohibiting a Member of Congress from accepting a bribe, not because we believe the character of the average Member of Congress was such that he would accept the bribe, but it was to prevent the exception to the rule which occurs in all cases from having his vote improperly influenced in the House of Representatives. We have gone further than that. We are now putting laws on the statute books that prohibit a Member of this House from entering into a contract with the United States Government—not because it is a crime, but because the making of that contract may unduly influence his legislative mind. The mind and the will of the Representative in Congress should be solely for the interests of his constituency and the people of the United States, and it is no reflection on the membership of this House if you eliminate everything that might go to bias or influence that judgment. There are influences that may be brought to bear on a Member of Congress that involves moral turpitude. There are influences that may be brought to bear on a Member of Congress in which the idea of moral turpitude is entirely eliminated, but in some cases the influences that do not involve moral turpitude are more far-reaching, more dangerous, more effective to sway the action of this body from that which their constituency desires than influences that do involve moral turpitude.

Mr. Chairman, since I have been a Member of this House I have never known of a single Member of this House who sold his vote, who could be purchased on the floor of this House, or could be influenced, in my judgment, in a criminal or improper way; but, Mr. Chairman, since I have been a Member of this House I have heard it repeatedly stated on the floor of the House that gentlemen would support a bill because the Executive of this nation desired it. I remember that when the bill carrying the Porto Rican tariff provision was being discussed before this body that gentlemen rose in their seats and stated that although they were in favor of defeating the bill, were against its passage, believing that it was wrong to build a tariff wall between our people and the people of Porto Rico, still they rose in their seats and said they proposed to vote that way because the President of the United States had asked them to do so. Now, I say influences of that kind are just as dangerous and more dangerous to the membership of this body than influences that involve moral turpitude. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACON. Mr. Chairman, I do not arise with the hope of elucidating this question especially, but for the purpose of giving such encouragement to it as I can by offering it my humble support. I have resolved that I will never allow an opportunity to pass me by while I occupy the position of a representative of the people that I will not seek in every possible honorable way to prevent the representatives of the people in Congress from representing great corporations that they in their legislative capacity must have to deal with. The gentleman from New York [Mr. PAYNE], in discussing this amendment, brought up the subject of free passes and said that the Congress passed a law to prevent the issuance of free passes to its Members as well as to other officers of the United States, but insisted that the Members of this body were too honorable to need this class of legislation. If that be true, I ask, Why did the Congress feel called upon to pass that kind of a law? Why were Representatives not exempted from the provisions of that bill if it was believed that no harm could come of allowing the railroads to continue the practice of filling the pockets of Representatives with free passes with intent to in-

fluence their votes in this House in their favor? I do not know of my own knowledge, gentlemen, whether a single Member of Congress was ever influenced by the free-pass habit or not, but I do know that when I first came to Congress there was a proposition carried regularly in every post-office appropriation bill giving to the Southern Railway, a great corporation, a hundred and forty-two thousand and some hundred dollars annually in addition to the amount it was entitled to under existing law, under the guise of special mail facilities for carrying mail from Washington to the city of Atlanta, Ga. I know, also, that there was an appropriation of \$25,000 carried annually in the same bill under the guise of special mail facilities for a railroad running from Kansas City, Mo., to Newton, Kans., and I know at that time that we had no law preventing Representatives from riding upon free passes three hundred and sixty-five days and nights of every year.

But, sirs, I know further that just as soon as this House passed a law preventing Representatives and Senators from riding upon free passes those provisions quickly disappeared and have not been seen or heard of since. Some of us had for several Congresses been doing all we could to defeat those propositions, but we could not bring about that happy result until after the antifree-pass provision had been incorporated into our laws. As soon as that was done more than \$175,000 were saved to the American people annually by the defeat of those subsidy steals. Whether it was done because of the passage of the law preventing Representatives from riding upon free passes or not I do not know, but I do know that the appropriations were carried in the appropriation bill up to the time we were denied the right to ride upon them and have not been carried in it since that time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL rose.

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from New York?

Mr. MACON. Yes, sir.

Mr. DRISCOLL. This amendment includes judges of the United States court as well as Congressmen. Now, if you are to purify the public service why should it not be extended to cover the Interstate Commerce Commission and all officers engaged in the execution of the railway rate law and include all men employed in the public service; why should you include the judges, unless you make it broad and comprehensive enough to cover all public servants?

Mr. MACON. I will answer the gentleman's question by asking him one in return. Does he favor doing what he has suggested?

Mr. DRISCOLL. I was asking the gentleman why he did not increase it. There are some things that I do not favor or in any way—

Mr. MACON. The gentleman will not answer the question, so I will proceed. I favor it and will vote for that kind of a law gladly.

Mr. DRISCOLL. I have always been in favor of a strict anti-pass law. I voted in favor of it.

Mr. MACON. Mr. Chairman, I have referred to the anti-pass matter simply as an illustration of the necessity of throwing around the membership of this body some sort of a safeguard against undue influences that may be brought to bear upon them by great institutions that are powerful and able to control almost any human being on the face of the earth if they can get at him right.

We all know that when employed to represent clients as counsel that the facts when presented to us by our clients often have a different aspect to those that we understood to surround them before we were employed. I have heard a state of facts presented before I was employed to defend a client who had committed a crime, and I thought them heinous in their character, and that the individual ought to be spurned by all honest people; but when he and his friends came to my office and employed me to take charge of his case and told me the facts as they saw them, I viewed them in a different light. And all gentlemen who have represented clients have seen them in a different light also after they have been presented by their clients. I do not understand the mystic shift, but it occurs nevertheless. I therefore bring the matter before the House down to the particular question of the railroads influencing its Members. If a Member of the House is employed by a railroad at a salary of \$25,000 per annum to represent it, not here particularly, but elsewhere, and the American people pay him

only \$7,500 for his services, I want to say that that Representative will be ordinarily found acting for the railroads upon all questions coming before the House where railroad interests are concerned, and he will not only resolve every reasonable doubt in favor of the railroads, but he will hunt up all of the captious and imaginary doubts that his mind is capable of devising and give them the benefit of each and every one of them. Human nature is human nature, Mr. Chairman, no matter where we find it, and we can not run entirely away from it, no matter how fleet of foot we are, and inasmuch as we are taught that it is only human to err, I suspicion that we ought to adopt this amendment in order to remove the human temptation to err as far from the people's servants as possible. To that end, sir, I trust the amendment of the gentleman from Texas [Mr. RANDELL] will be adopted. [Applause.]

Mr. CAULFIELD. Mr. Chairman, I do not think that we ought to try to amend the criminal laws of the country in connection with this bill. This bill, as I understand it, is for the purpose of ascertaining and bringing together the laws of our country, which are now scattered through many books, buried amidst appropriation bills and other obsolete matter.

Mr. HARDWICK. Will the gentleman yield?

Mr. CAULFIELD. Certainly.

Mr. HARDWICK. How does the gentleman defend the action of the committee, then, in making 21 new sections?

Mr. CAULFIELD. I will answer the gentleman by saying this, that, so far as I am concerned, I do not think that the committee itself should have attempted to amend the penal code of our country in connection with this bill, but there is this to be said for the committee: That the committee has, at least, given the new sections it proposes full and fair consideration. I wish to say that the course of the minority as to these amendments amply verifies the wisdom of not attempting to create criminal law in this way. Gentlemen of the minority have risen and offered amendments to the preparation of which they have not given the time that as lawyers in their private practice they would have given to the drawing of a bill for the sale of a horse, and, then, gentlemen of the minority, on the call for tellers, have trooped from the cloakrooms and voted for these amendments without reading them and without even having heard them read. And yet they involved the liberty of citizens of the United States and ostensibly were intended to defend the people of this country against crime.

I say to you that the people of the United States do not want more criminal laws half as much as they want good criminal laws. To lack of consideration, lack of preparation of proposed legislation is due most so-called failures of justice.

The people of this country have enough half-baked legislation. If these gentlemen have amendments worthy of consideration, let them introduce them in the form of bills, and let them be considered in the proper way; but let us not attempt to amend the criminal law of our country by wholesale.

Mr. RANDELL of Texas. Will the gentleman allow me to ask him a question?

Mr. CAULFIELD. Yes, sir.

Mr. RANDELL of Texas. Are you in favor of a Member of Congress receiving any gift from a public-service corporation?

Mr. CAULFIELD. No; and I never rode on a pass or used a telegraph frank in my life.

Mr. RANDELL of Texas. Then you ought to vote for this amendment.

Mr. CAULFIELD. But I say this would be a bad precedent. If you adopt this amendment, then a troop of others will come; and I say to you that this is not the way to amend the criminal law of the country.

Mr. BRODHEAD. Mr. Chairman, I merely want to ask that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. RANDELL of Texas. Mr. Chairman, I would like to state that the amendment is printed on page 800 of last Wednesday's RECORD, and each Member can find it there.

The amendment was again reported.

Mr. NORRIS. Mr. Chairman, in addition to the objection that was made by the gentleman from Pennsylvania [Mr. MOON], it seems to me that the real reason why we ought to oppose this amendment is because it is practically covered by law at the present time. I was most heartily in favor of what is known as the anti-pass amendment to the Hepburn bill. I helped to draft the amendment to that bill before it left the House and before it went to the Senate; and when it was introduced by the gentleman from Tennessee, after it had been prepared, I voted in favor of it and was consistently for that provision all the way through. But it seems to me now, since we have adopted a law that covers the case—a law that is

adequate and complete, because no one claims that it has been violated—that the amendment now before the House has a tendency rather to make the subject ridiculous. But I was impressed at what the gentleman from Missouri [Mr. CLARK], the present-day leader on that side of the House, said when he gave us an example of a man who sold his bank stock before he came to Congress and before he went to the Senate, and he commended that as conduct all of us should follow. Mr. Chairman, it seemed to me that the logical conclusion would lead to the adoption of an amendment which I have prepared and which I think covers the case. If a man can not be a banker and be elected to Congress, then he ought not to be a lawyer and be elected to Congress, and he ought not to be a farmer, because we may legislate on agricultural subjects; and he ought not to be a merchant, because we may legislate on the tariff or something that would affect his business.

Mr. GAINES of West Virginia. Parcels post.

Mr. NORRIS (continuing). And the result would be that there are no people who ought to be elected to Congress except those who have no occupation whatever, who have no visible means of gaining a livelihood. It would affect the gentleman from Missouri [Mr. CLARK] when he goes on the lecture platform. But in order to carry it out to its logical conclusion I have drafted an amendment which I now send to the Clerk's desk and ask that it be reported.

The Clerk read as follows:

Add to the proposed amendment the following:

"And any Member of Congress who shall engage in the practice of law, or who shall deliver Chautauqua lectures for pay, or who shall engage in farming or manufacturing, or who shall have any occupation whatever, or who shall patronize any national bank by depositing any money therein, or who shall patronize any railroad company by riding thereon, or who shall purchase any material of or sell any material to any corporation shall be hanged by the neck until dead and thereafter be prohibited from holding any office of profit or trust under the Government of the United States."

[Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

Mr. GAINES of Tennessee. Mr. Chairman, I very much regret that the gentleman from Nebraska should have turned that great reform that occurred here, and which the gentleman knows I had the honor of starting, regulating the "free pass abuse." The Republicans at first voted against the amendment I offered, which, changed some, was put on in the Senate; it came back and you were compelled to take your pill.

Mr. DRISCOLL. Not all.

Mr. GAINES of Tennessee. The gentleman was for it, and the gentleman from Wisconsin [Mr. COOPER] was another, and the gentleman from Nebraska [Mr. NORRIS] was another. All from the start. Now the gentleman has jumped the traces [laughter] and is trying to emasculate and to ridicule that law. The gentleman is trying to chloroform a great reform. Now, I ask the gentleman, if Congress were making a railroad regulation bill, does he think that only railroad lawyers should be elected to Congress to make it?

Mr. NORRIS. I answer emphatically, no.

Mr. GAINES of Tennessee. Then if a railroad lawyer is elected to Congress, do you think that railroad lawyer ought to vote against regulating his client?

Mr. NORRIS. I will answer the gentleman's question by asking him one.

Mr. GAINES of Tennessee. All right.

Mr. NORRIS. If a farmer, like my colleague here, is elected to Congress, ought he to be allowed to vote on any agricultural appropriation bill?

Mr. GAINES of Tennessee. If he voted on a bill to put money in his own pocket or in his client's pocket that would not be proper.

Mr. NORRIS. Then that would exclude all of them.

Mr. GAINES of Tennessee. No; a matter of general legislation is one thing and a matter of personal or private legislation is another thing. Let us leave the farmer. The farmer will take care of himself. Let us look at the lawyer. Do you think we should elect a Congress of lawyers to make railroad laws?

Mr. NORRIS. I will answer the gentleman's question.

Mr. GAINES of Tennessee. Say yes or no.

Mr. NORRIS. I am going to answer it in my own way.

Mr. GAINES of Tennessee. I asked you a question and you did not answer it at all.

Mr. NORRIS. I answered your question by asking you one.

Mr. GAINES of Tennessee. No; you did not answer it at all.

Mr. NORRIS. I have no objection to the election of lawyers to Congress.

Mr. GAINES of Tennessee. I have not either. Otherwise neither one of us would be here.

Mr. GAINES of West Virginia. Oh, I don't know about that. [Laughter.]

Mr. NORRIS. If the people of a district want to elect lawyers, that is their business, not mine. If they want to elect a farmer, that is all right.

Mr. GAINES of Tennessee. Oh, Mr. Chairman—

Mr. NORRIS. I am trying to answer the gentleman's question.

Mr. GAINES of Tennessee. You are getting away from it.

Mr. NORRIS. Ask your question again.

Mr. GAINES of Tennessee. Do you think, if we were making a railroad-regulation law, we should elect only railroad lawyers to do it?

Mr. NORRIS. No; not by any means.

Mr. GAINES of Tennessee. Why?

Mr. NORRIS. Because we do not want to have any particular class elected, to the exclusion of all others.

Mr. GAINES of Tennessee. Exactly.

Mr. NORRIS. We ought to have farmers, lawyers, preachers, doctors, and merchants—all kinds of men in Congress.

Mr. GAINES of Tennessee. Exactly; but when it affects their own pockets do you think they should even be allowed to vote?

Mr. NORRIS. If they have any interest in the result of the legislation, they ought not to.

Mr. GAINES of Tennessee. I do not mean a general interest.

Mr. NORRIS. I do not care whether they are lawyers or whether they are farmers, the same thing is true.

Mr. GAINES of Tennessee. So much for that.

Mr. NORRIS. Are you through with me now?

Mr. GAINES of Tennessee. No; I never will get through with the gentleman, because I think he is a good lawmaker. The gentleman is frank and industrious and laborious; he is a good lawyer, and I think he is patriotic, but sometimes, like myself, he is wrong. He was wrong this morning.

Now, Mr. Chairman, while I am on the floor I want to call a thing to the attention of this House that I think the distinguished gentleman from Iowa [Mr. HEPBURN], who is so learned and powerful in matters that he undertakes to call to the attention of this House—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask for two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, the gentleman well knows that one of the reasons why we passed the antifree-pass law was to stop Members of Congress and other Federal officers drawing their mileage and riding to Congress and to their posts of duty on free passes. Now I am told by the public press—and I take this from many papers—that a lot of railroad lawyers—I do not know whether in this House or in the other House—come here to attend the sessions of Congress on free passes, because they are railroad lawyers, when the law permits only railroad employees, which really means the man in the yard at work, the man who runs a train, and men of that kind.

Now, that lawyer, the public press says, is taking advantage of being a railroad lawyer, and therefore a railroad employee, and he comes to Congress in that way. If the gentleman had offered the amendment to stop that I would have gladly voted for it, but I shall gladly vote against the burlesque amendment offered by the distinguished gentleman from Nebraska.

Mr. DRISCOLL. Mr. Chairman, I am opposed to this amendment for two reasons: First, because we are now in the business of revising and codifying the penal laws of the country and not of enacting new laws, and, second, because I do not like the amendment.

I am one of those Members of this House referred to by the gentleman from Tennessee [Mr. GAINES] who have always been in favor of a strong antipass law. According to my notion the practice by railroad companies of granting passes and annual transportations over their lines has been one of the most demoralizing influences in the public service, and the paragraph incorporated in the railway rate law passed in the last Congress forbidding the granting of passes to any persons except in the case of a few exceptions there specified was a wholesome and beneficial amendment to that law and can not fail to accomplish good results. But that law was general and included all people—Members of Congress, judges, and all others engaged in the public service and throughout the country, except those specially excepted. That law, if rigidly enforced, will accomplish the good results expected to flow from it. This amendment applies only to Members of Congress and

to judges of the United States courts. I see no reason why it should apply to judges any more than to members of the Interstate Commerce Commission and all the men engaged in the execution of the railway rate law, and, for that matter, all officials employed in the public service.

Now, I wish to call the attention of the gentleman from Texas [Mr. RANDELL] to this proposed amendment. In my judgment it is not fair even to all Members of Congress, and I will confine my remarks to one of the provisions in it. He says that a lawyer in vacation practices law—

Mr. GAINES of Tennessee. I did not say vacation.

Mr. DRISCOLL. I am not alluding to the gentleman from Tennessee, but to the gentleman from Texas [Mr. RANDELL]. I asked him during his remarks if a Member of this House who is a lawyer should render professional services during vacation for a firm or corporation engaged in the manufacture of goods which go into interstate commerce would he be liable to punishment under this proposed amendment, and he answered in the affirmative. Now, if the same lawyer practicing his profession during vacation should try a case or render other services against such firm or corporation, he would not be liable under this proposed amendment.

My friend from Texas is a good lawyer. He had a large practice, as I understand, before he came to Congress. He has not given it up, but during vacation, and occasionally during a session of Congress, he tries cases at home. I have no objection to that; but he generally tries cases against those corporation, firms, or individuals who are engaged in interstate commerce. Suppose he has a colleague from Texas who before he came to Congress defended those corporations, firms, or individuals who were engaged in the production or manufacture of goods which enter into interstate commerce. This amendment would permit him to try a case of negligence, an accident case, against a ranchman or producer of sugar, or a grower of tobacco or rice, whereas it would stop his colleague from defending those same parties in those same cases. That strikes me as unfair. It prevents his colleague from practicing his profession and defending his clients during vacation and receiving fees for the same, whereas it permits the gentleman offering the amendment to try cases against those firms, corporations, or individuals. His colleague from Texas has as much right to practice his profession during vacation as he has, and he should be permitted to do so without being liable to punishment by a penal statute. This proposed statute discriminates against one class of lawyers and in favor of another, and for that reason, if for no other, it should not be adopted. [Applause.]

Mr. HARDY and Mr. RANDELL of Texas rose.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this section and amendments thereto cease in five minutes.

Mr. RANDELL of Texas. Oh, Mr. Chairman, I hope the gentleman will not insist on that motion. I would like some time myself.

Mr. MOON of Pennsylvania. I would amend that by making it ten minutes.

Mr. RANDELL of Texas. I would like to have ten minutes to conclude the debate myself. There has been enough stated to require that time to answer it.

Mr. MOON of Pennsylvania. Well, in order to accommodate the gentleman who has introduced the amendment, I will amend or modify the motion again so as to make it fifteen minutes.

The CHAIRMAN. Without objection, the motion will be modified and the question is, Shall the debate on this section and all amendments thereto be closed in fifteen minutes?

The question was taken, and the motion was agreed to.

Mr. HARDY. Mr. Chairman, I wish to say a few words upon this amendment. Sooner or later this country will come to the main gist of this question. For many years, in all the States and in Congress also, there was an agitation to prohibit giving free passes by the great transportation companies. Investigation of the subject took place and it was ascertained that railroad companies gave free passes not as a mere gratuity, without expectation of pay or reward, but with the confident counting on human nature that a favor extended would beget a favor in return. The legislation along that line was opposed, just as this legislation is opposed, by attempting to throw ridicule upon it, and by charging that the advocates of it were demagogues; but it did not avail to resist the tempest rising in the public mind, and last session this Congress passed a law forbidding the giving of free passes. You have a law now forbidding the gift of passes or any gift to Members of Congress in order to influence their action upon specific subjects, but it is hard to enforce it because you can not prove the intent.

The fact is, it is charged, and no doubt true, that in all the

States of this Union members of State legislatures, of the house and the senate, and that Members of Congress are employed as attorneys by great corporations whose interests are commonly and constantly coming before those bodies for adjudication. The judge on the bench is disqualified if he holds the position of an attorney for a great corporation whose case is being tried before him. But the Member of Congress, in a position of more power to make the laws that influence or affect corporations, is allowed to be an attorney for those corporations. I know the gentleman speaks of a man representing a private citizen. It is a common principle of law that men representing the vast mass of the people are not disqualified because their interest is not specific and is too minute and remote. A judge upon the bench may try a case in which a community, he being one of the community, is interested. Every man is one of the whole people and in that way and to that degree is interested in every question of interest to the people, but that principle does not go to this proposition here. The great proposition is—and we will pass it some day if not now—that no man shall be allowed to hold a seat in this House or the other while he represents great corporate interests, whose rights, duties, and privileges are coming before him for adjudication and regulation by law. To-day we put a poor—I started to say one poor devil behind the bars because he practiced before a Department over which he had no power for a little pay, but that man might have received any amount of compensation from a corporation whose interests were involved where he could vote, and he is free from any crime. If a Member for pay goes before one of your Departments to advocate a small pension he is guilty of an offense. But he may represent a dozen public-service corporations as attorney and still vote on laws affecting them without guilt under our law. You can use your weapon or ridicule and you can use your argument of demagoguery, but the people's reform goes on and the time must come when the people's representatives will not undertake to serve two masters.

Mr. RANDELL of Texas. Mr. Chairman and gentlemen of the committee, in the short time that we have to conclude debate on this amendment I ask the attention of every patriotic man on this floor. That ought to include everyone, and I hope it does. The amendment we are to vote on now is simply this: It says that a public-service corporation shall not make any gift to a Member of Congress or to a judge of the Federal court. Every one of you who is in favor of such a thing as that—in favor of receiving a gift, who thinks he ought to be permitted to receive it—should vote against this amendment; and I ask now if there is a man on that side of the House or on this side who really is in favor of having the privilege of receiving gifts from a public-service corporation while he is a Member of Congress, let him get up and show his face before these people and this House; let him have the manhood to stand up and say that he favors it. Not a one of you will do it. Every one of you will tell your constituents that you are not in favor of receiving gifts.

Then why not make it against the law? The chairman of the great Ways and Means Committee, the leader on that side of the House, got up and said that if my expressions were made anywhere else it would be the height of demagoguery. He wanted to be parliamentary. Well, I could much more truthfully and properly say in reference to him—but I would not be so unkind as to do it—that his expressions anywhere else except in here would simply be the unmasking of graft; for there is no reason on earth, no logical reason, why public-service corporations should be allowed to go to a Member of Congress or judge of the Federal court with a gift, nor any reason why it should not be condemned by the law. Yet that learned gentleman, who has been here for more than twenty-two years as a Member of this House, actually says the way to do in reference to this matter is to go to the grand jury and have Members of Congress indicted if they are receiving gifts!

Why, it is not against the law; that is the reason we can not go to a grand jury. We are trying to make it against the law now. Then a violation could be prosecuted. Yet the leader of the Republican side, the man who brings politics into this thing—because the politics did not come from this side—he is the man that brings the politics into it in a way that is at least quasi personal, and he says that the way to do it is to go before a grand jury to stop Members of Congress from receiving gifts. I say, first make it against the law and then you can go to the grand jury, or you can have your own investigation; and I tell you now if you pass this amendment it will not be violated. The practice will be stopped. The Congress and the courts will be divorced from the trusts of this country—and you know it. Speaking politically, and keeping inside of the lines of truth as I see it, I say it will not only divorce the

courts and Congress from the trusts, but it will put the Republican party out of power, because they are in power by the money of the trusts. [Applause on the Democratic side.] Where is the man that will say if this was the law he would be in favor of repealing it?

If there is one in this Chamber, a single Member on the Republican side or elsewhere, who will rise up in his place and say that he will be in favor of repealing the law that denounced simply the giving of a gift to a Member of Congress and to a Federal judge by a public service corporation, let him stand up and say it. You would not tell your constituency about your conduct on this question. Do not talk to me about new Members coming here and trying to get off some of this demagoguery, some of these notions, in order to hold their places. I am a new Member in comparison with the gentleman from New York [Mr. PAYNE], but I have been here for six years. He knows that the criticism that I am guilty of demagoguery is not seemingly for him to make. My conduct has never justified such a charge or insinuation.

Now, I wish, as I said, to appeal to the patriotism of this House. I appeal from the partisanship of the leader of the Republican side; I appeal to Republicans, Members of Congress, to vote in accordance with what you will tell your constituents—that you are in favor of this measure. The gentleman from New York [Mr. DRISCOLL] need not be afraid to vote for this amendment. It does not apply to any employment of an attorney or anything of that kind; that is the next amendment that comes up. This is 112a. This amendment means in substance, a Member of Congress shall not receive a gift. Why does he limit his argument simply to a pass? Why do you take away that privilege?

Mr. DRISCOLL. I asked the gentleman a question this morning, and did the gentleman not say it applied to an attorney trying a case?

Mr. RANDELL of Texas. That is the second amendment. The two amendments are these: The first one is: You can not receive a gift from a public-service corporation. The second: You can not receive employment from them. It is against the law to take a bribe. The intent must be specifically shown to prove a bribe. There is no reason why a public-service corporation should give a Member anything, and when they do it the purpose is to bribe. Members of Congress do take these things. You know it, and I know it; why not prohibit the gifts, as well as prohibit the taking of a pass?

Mr. GAINES of Tennessee. Whether it bribed him or not, does not a gift appeal to a man's sense of gratitude?

Mr. RANDELL of Texas. It appeals to his sense of honor when offered and he ought to reject it, and it ought to appeal to his sense of manhood, both ways—his honor to reject it, his gratitude if he receives it.

Mr. CRAWFORD. Does this apply to telegraph franks?

Mr. RANDELL of Texas. Yes. During your campaign you can not use the telegraph franks if this amendment becomes a law; you can not use the great public-service corporations, the railroads and telegraph companies, for your own interest politically and in business. You can not do it. You will have to pay your way. Let every man pay for what he gets. When they offer a gift to you they offer it as a general bribe. It is against the law to take a specific bribe. Why do you say you shall have the privilege of taking a general bribe? Whether it influences him or not, a man taking such a gift, saying it will not affect him, ought not to be a representative of the people. Let every man not only do what is right, but avoid the appearance of evil. Any man who will accept a position where, in the nature of the case, his honor will be questioned is not worthy of trust. [Applause.]

Now, Mr. Chairman, in conclusion I wish to say this: That without any regard to party I desire to have the vote taken and let every man register his vote as he believes the majority of the people in his district would wish him to do, not the interests, not the political leaders, not the political bosses, but the honest people if they were here to-day in these galleries and could look down and see our conduct and hear this debate, could see your vote, and see the record of it. Vote as you would then; vote in accordance with their will. Your position here does not belong to you. You are the servants of the people. I call upon you to-day to vote not as demagogues, not as grafters, but as men worthy to represent the citizenship of the United States in the legislative halls of Congress. Vote the will of the people who sent you here, whose servants you are. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. [Continued applause.]

The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. Mr. Chairman, I ask unanimous consent for the privilege of extending my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from Texas [Mr. RANDELL].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. RANDELL of Texas. Division, Mr. Chairman.

The committee divided and there were—yeas 80, yeas 60.

Mr. MOON of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed Mr. MOON of Pennsylvania and Mr. RANDELL of Texas to act as tellers.

The committee again divided, and the tellers announced—yeas 88, yeas 100.

So the amendment was rejected.

The CHAIRMAN. When the committee arose on Thursday last another amendment, which had been read by unanimous consent for the information of the committee, and offered by the gentleman from Texas [Mr. RANDELL] was pending. The question is on agreeing to the amendment. The Clerk will report it.

The Clerk read as follows:

SEC. 112b. That it shall be unlawful for any Senator or Representative in the Congress of the United States during his term of service, or for any such Senator or Representative elect to directly or indirectly hold or take any office, employment, or service, or to receive any salary, fee, or pay as officer, agent, representative, or attorney from any national bank, railroad company, or ship, express, telegraph, telephone, or sleeping-car company, or any public-service corporation, or any corporation chartered by an act of Congress of the United States, or any firm, company, or corporation organized or conducted in violation of the antitrust laws of the United States, or that is charged with or has been convicted of a violation of any of the antitrust laws of the United States, or any corporation engaged in interstate or foreign commerce, traffic, or business, or commerce or business between any Territories, or any State or Territory, or between the District of Columbia and any State or Territory of the United States or any foreign power, or any person, firm, or corporation interested in legislation or other business of Congress, existing or anticipated.

That any Senator or Representative in Congress violating any of the provisions of this act shall be deemed guilty of a high misdemeanor, and upon conviction shall be punished by a fine of not less than \$100 nor more than \$5,000 and by imprisonment of not less than one month nor more than one year, and shall forever be barred from holding any office of honor or trust under the Government of the United States.

Mr. RANDELL of Texas rose.

The CHAIRMAN. The gentleman from Texas [Mr. RANDELL] is recognized.

Mr. RANDELL of Texas. Mr. Chairman, this is the second amendment. It simply says, in express terms, that a Member of Congress shall not receive employment by any public-service corporation. It seems to me, without taking up the time of this committee, it ought to be apparent to everyone that there is a party spirit here, there is an effort made to hold conditions as they are at present by appealing to party power. From the Speaker of this House himself to the humblest follower on the Republican side they rally to the party lash of the floor leader; they vote solidly without a dissenting vote on that side, so far as I saw and believe—and I was one of the tellers—including the highest official and the lowliest follower, against this legislation. On that side everybody can be brought in to vote against a proposition that says you shall not receive gifts from the public-service corporations. The Republicans voted solidly against my amendment. The votes for it were all Democratic. I have reason to believe that the general impression in the country is—and the charge has been made in the newspapers—that the Congress of the United States is honeycombed with the employees of public-service corporations, with those who are working for the trusts. It seems to me that there must be some grounds for those statements.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from Texas [Mr. RANDELL] yield to the gentleman from Ohio?

Mr. RANDELL of Texas. I can not do so now. However, if they will see that my time is extended I will answer any question asked by any gentleman on that side. I do not mean to cut gentlemen off from questions if they will see that my time is extended so that I can answer them. When I get through with my five minutes, if the gentlemen will see that my time is extended, I will answer questions.

Now, Mr. Chairman, if the Members of Congress are in the employment of public-service corporations, how are you going to stop it? What plan do you propose to stop that practice? If we offer a bill your committee will not report it, and if we offer an amendment here you vote it down. You say such employment does not exist, but if we offer a resolution to inquire into the employment of gentlemen of this House you say that you will vote that down. You will not permit the question to come up. How, then, will you reach the evil? Suppose, as has been said, that this amendment would have interfered with the employment of from three-fourths to seven-eighths of the Members on that side of the House during the Fifty-ninth Congress, how will you reach the evil? Is it not a fact that you are trying to protect the evil? Is it not a fact that you propose that the evil shall not be reached? If you are going to reach it, how are you going to reach it? Are you in favor of public-service corporations employing Members of Congress and paying them salaries? Are you in favor of it? Then say so and tell your constituents that and you will not come back to this House. But you tell your constituents that you are for the people and against Members taking pay and gifts from corporations, and yet you come here and vote for the public-service corporations, as you have done to-day. I am here to lecture no man, but when the leader on the other side of this House speaks about legislation like this as demagogical it is time he should be answered in the proper spirit. The demagoguery is on that side of the House and the graft is on that side of the House. The proposed remedy is on this side of the House and the opposition to it is on that. A solid Democratic vote for this legislation and a solid Republican vote against it. [Applause on the Democratic side.]

Mr. KIMBALL. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri—

Mr. KIMBALL. From Kentucky. I have not to be shown. Apropos of this discussion, permit me to suggest that after service of nearly sixteen years in this House the Hon. JOHN SHARP WILLIAMS, leader of the minority, was to-day elected a Senator of the United States by the legislature of the State of Mississippi. [Loud general applause.]

Mr. BOUTELL. Mr. Chairman, I ask for recognition for the purpose of asking the gentleman from Texas a question simply. I did not wish to interrupt him in his own time under the five-minute rule. In both of these amendments appears the language "or any corporation chartered by an act of Congress of the United States." Since the first discussion this morning I have heard quite a little talk among Members privately as to whether or not in their opinion that applied to national banks, and there was quite a division of opinion on the subject. I would like to ask the gentleman from Texas whether it was his intention that that language should apply to national banks or to corporations organized in pursuance of an act of Congress?

Mr. RANDELL of Texas. Why, I intended the amendment just as it reads. I would have included national banks in actual words, but I wanted to get some votes on that side. I do not believe a national-bank attorney has any business in Congress.

Mr. BOUTELL. I will state to the gentleman from Texas that I was asking him this question in perfectly good faith.

Mr. RANDELL of Texas. I answer in good faith.

Mr. BOUTELL (continuing). Not as expressing any doubt as to the gentleman's opinion. The language is "any corporation chartered by an act of Congress." Now, as we all know, national banks are organized under general law, by applying through the Comptroller of the Currency, and the thought that occurred to me was that if there was such a difference of opinion whether or not this did apply to national banks, it was simply an illustration of the great care with which we ought to legislate on matters of this importance.

Mr. RANDELL of Texas. Does the gentleman think that ambiguous, and would leave out national banks? I left it out because I thought I would get some votes on that side of the House by doing so.

Mr. BOUTELL. I fail to follow the reasoning of the gentleman from Texas on the last feature. My opinion is it would not include national banks as it is now.

Mr. RANDELL of Texas. That is my opinion.

Mr. MOON of Pennsylvania. Mr. Chairman, this amendment includes the same principles as that just voted down, and I call for a vote.

Mr. GAINES of Tennessee. Just a few words.

Now, the gentleman from Illinois asked a pertinent question of the gentleman from Texas; and if the committee will indulge me for a moment, I will try to elucidate the question somewhat. I will state in just a moment that one of the judges in the State of Texas was held to be ineligible, or had no right

to try a case against a bank in which he had stock. That was a judicial decision. Now, here I find that the matter was raised in this shape on May 10, 1830, the question being on a motion to lay on the table resolutions relating to the renewal of the charter of the Bank of the United States. Messrs. William Drayton, of South Carolina, and Campbell P. White, of New York, were severally excused from voting on the question because they were interested as stockholders in the Bank of the United States.

Now, then, in another place I find where WILLIAM P. FRYE, now a Senator from the State of Maine, having stock in the Pacific Railroad—I think it was the Pacific Railroad—is reported as having asked the question whether or not he had the right to vote, and the Speaker read Rule XXIX:

No Member shall vote on any question in the event of which he is immediately or particularly interested.

Having read the rule, it is for the gentleman himself to determine whether he shall vote, not for the Chair.

Mr. FRYE declined to vote.

Here is the John Quincy Adams incident, where he declined to vote in a matter not relating to banks; but there is the well-known case to which I alluded a few days ago, where Mr. Adams, I believe, sold his bank stock before he took the oath of office. I have not had the time to run down the exact history of that, but that is my general recollection. But here is a case where he refused to vote where he was interested in the matter under consideration.

Now, going a little further on, in 1874 the House was considering the bill (H. R. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes; and Messrs. Poland, of Vermont, and Hamilton and Phelps, of New Jersey, were officers of national banks and therefore not entitled to vote on the pending questions, which included the following propositions. I ask you to pay special attention to this proposition. It is almost an every-day proposition. Here is what they declined to vote on:

That, in lieu of the tax of 1 per cent per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent per annum, payable semiannually in gold, shall be payable on the circulation which has been issued to each national bank which has not been returned for cancellation.

Now, Mr. Chairman, let me read you the Jeffersonian rule, and I ask the committee to listen particularly, because the wording of the Jeffersonian rule, I will say to my friend from Texas, is different from the wording of the rule under which this House is operating. Here is the Jeffersonian rule:

Where the private interests of a Member are concerned in a bill or question he is to withdraw, and where such an interest has appeared his voice has been disallowed, even after a division. In a case so contrary not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

Now, here is the present rule, Mr. Chairman:

Every Member shall be present within the Hall of the House during its sitting unless excused or necessarily prevented—

Now listen—

and shall vote on each question put unless he has a direct personal or pecuniary interest in the event of such question.

Now, it seems that these parliamentary decisions of recent years leave it with the Member to say whether or not he shall vote, but the Jeffersonian rule says that decency and the social compact demand that he be silent and that the right and dignity of this House shall silence his vote in such a matter.

So, Mr. Chairman, it seems to me that the resolution of the gentleman from Texas, the wording of which I have not been able to carry exactly in my mind, is more like the Jeffersonian rule than the rule of the present House.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had insisted upon its amendments to the bill (H. R. 300) providing for second homestead entries, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. GAMBLE, and Mr. NEWLANDS as the conferees on the part of the Senate.

CODIFICATION OF PENAL LAWS OF THE UNITED STATES.

The committee resumed its session.

Mr. COX of Indiana. Mr. Chairman, I desire to support the amendment now pending and offered by the gentleman from Texas.

Section 112 as reported by the Committee on Codification and Revision of Laws aims at the crime of bribery of a Member of Congress, Resident Commissioner, etc. It provides, among other

things, that if any Member of or Delegate in Congress or Resident Commissioner asks, accepts, or receives any money or anything of value with a view of influencing his vote, action, or decision, upon any matter which may at the time be pending before him, or in either House of Congress, or before any committee thereof, shall be punished by a fine of not more than three times the amount asked or received, and imprisoned not more than three years, and thereafter be forever barred from holding any office under the Government of the United States. This section is right as far as it goes, but in my judgment it does not go far enough in its scope or tenor. One of the cardinal principles which guide courts in the construction of penal statutes is never to construe the statute broader than its meaning as expressed by its plain provisions and wording therein. If a crime has been committed and the statute is not broad enough to cover the offense, the guilty must go acquit upon the ground that there is no statute in existence defining the offense and we are then told by courts that in such cases our remedy is to appeal to the legislature and procure the passage of a statute covering the defect in the case.

I feel sure that no member of the committee would oppose the amendments offered by the gentleman from Texas, nor do I believe that any Member of this House would oppose or vote against either one of these amendments if they were offered as original independent legislation. To read the amendment is to approve every letter, word, sentence, and paragraph.

His first amendment, section 112a, makes it unlawful for any railroad company, or other corporation organized under a law passed by Congress, or any other corporation engaged in interstate commerce, to give to any Member of Congress, or to any judge or justice of the United States, free transportation for himself and property, providing a penalty therefor of a fine against such corporation of not less than \$100, nor more than \$5,000. And the section further provides that if any officer in any such corporation violates this section of the statute he shall be punished by a fine of not more than \$5,000, or by imprisonment of not less than six months nor more than two years in the penitentiary. The section further provides that if any Member of or Delegate in Congress, or any United States judge or justice, shall receive pay from any railroad, or other corporations engaged in interstate commerce, he shall be punished by a fine of not less than \$1,000, or by imprisonment of not more than one year in the penitentiary.

Section 112b makes it a crime punished by a fine and imprisonment for any Member of Congress, while serving as such, to take, hold, or accept employment from any national bank, railroad, or other public-service corporation engaged in Interstate Commerce, or commerce between the States, or commerce between the Territories, or commerce between the States and the District of Columbia, or other Territories, or for accepting employment from any corporation doing business in violation of the anti-trust laws of the United States, or any corporation that has been convicted of violating the anti-trust laws of the United States. Both of these sections as offered by the gentleman from Texas appeal to the moral conscience of every patriotic man in all the country. Submit these amendments to the people and they would adopt them by a unanimous vote. This is a deliberative body of men here assembled for the purpose of making laws, not only to govern themselves, but all the people throughout the country, and as such we should not hesitate to do our plain, positive duty. The bill under consideration contains 337 sections and this does not by any means cover the entire criminal code of the United States. Upon a reading of the bill under consideration it looks like it contains a section against every conceivable crime that could be committed against the Government, yet until this time, nor do I believe there can be found anything in any section of the bill now under consideration that reaches the offenses set forth in the two amendments offered by the gentleman from Texas. Why oppose them or either of them? Is it because they ought not to be law? No. Or is it because it would be wrong for this Committee of the Whole House to accept the two amendments under consideration? Would this be a rebuke, or a turning down of the Committee on Codification or Revision of the Laws? No. To adopt the amendments would not be a rebuke, nor would it be a turn down of the committee who reported to the house the bill under consideration. The first part of the amendment, section 112a, imposes a penalty upon the corporation violating any of the provisions of the proposed amendment. The second part of the same amendment imposes a penalty upon the officers of all corporations who violate any of the provisions of the proposed amendment. I sometimes doubt the wisdom and propriety of imposing a fine upon corporations who violate the law. Corporations are only creatures of the law and as such can only act by means of boards of directors, officers, or agents selected by the corporation to

conduct its business. Some one, some flesh and blood must always put the machinery of the corporation in motion. Without this it would always remain a harmless entity.

As an illustration, take the immense fine of \$20,240,000 imposed by a Federal court last summer upon the Standard Oil Company; in my judgment, this enormous fine imposed upon the corporation did not have its desired or intended effect. This immense fine fell primarily upon the shoulders of many a stockholder in this corporation who knew nothing about the violation of the antitrust law that was then or had been going on by a few officers of this corporation for years prior to this time. If instead of imposing a fine upon the corporation itself, a penitentiary, or even a jail, sentence had been imposed upon some of the officers of the corporation the conviction, in my judgment, would have had its desired effect. One of the primary objects of conviction is not only to punish the real criminal, but it is to terrorize others and prevent them from doing likewise. I do not wish to be heard as saying that I oppose the fine imposed upon this corporation, but on the contrary I heartily approve of it. While this temporarily depleted the revenues of the corporation, yet by simply raising the price of oil to the consumer, how long did it take for this corporation to recover back the full amount of the fine, even though it had paid the same? Not so with a penitentiary or jail sentence. This would make men who serve as the directors or agents of great corporations not only fear, but respect the law. It would likewise make them respect not only the rights of their fellow-man, but the rights of the Government. Therefore if it be the desire to stop this nefarious practice on the part of corporations, impose a heavy penalty upon the officer or agent of the corporation who has personally violated the law. A fine upon the corporation only depletes the funds of the corporation and often fall upon victims and persons who are innocent of either moral or intentional guilt. The board of directors, officers, or agents of a corporation who gives any money or anything of value to any Member of or Delegate in Congress is guilty of at least two moral offenses. First, for betraying the trust imposed in him by the corporation; second, in corrupting some officer of the United States. Observation teaches us that corporations ordinarily do not contribute a loan for charitable purposes. Contributions of any kind made by corporations to Members of or Delegates in Congress are designed by the corporation to bring manifold fruit back to the corporation in the way of fruitful legislation desired by the corporations. Therefore, why hesitate to impose a dire penalty upon any officer of any corporation who undertakes, either directly or indirectly, by gift of money or other thing of value, to influence any Member or Delegate of Congress or to anyone whose duty it is to construe the laws passed by Congress.

These two proposed amendments can not be characterized by anyone as being buncombe. They represent real, living, vital issues now before the American people. Corporations, as well as individuals, have their own rights that ought to be protected every time they are in the right. But when the corporations, or more especially its officers or agents, overstep the boundary line between right on one side and wrong on the other, it, or its officers or agents, has then transcended its rights and made itself or its officers amenable to the law. The part of the section of the statute making it a misdemeanor for Members of Congress to receive pay from any railroad or other corporation engaged in interstate commerce is especially commendable.

Again, corporations giving to Members of Congress free transportation do not give it without entertaining some hope of reward in return. I do not say, nor do I intimate, that any Member of Congress accepting any free transportation from any corporation engaged in interstate commerce, that this would be the means of influencing his action, judgment, decision, or vote upon any matter pending before him, or pending in Congress, or before any committee thereof. Yet, the human mind is at all times susceptible, more or less, of influence either for good or evil, and when these gifts are freely bestowed upon Members of Congress by corporations engaged in interstate commerce it may possibly have the effect of influencing some Member of Congress to vote, or influence his action, judgment, or decision upon any matter which might be pending before him. So far as possible a Member of Congress should be absolutely free and untrammelled, so that he may at all times act upon the consciousness of his own judgment and conviction. And if he does this, while his action may be criticised by his constituency or by the public in general, yet he will have the self-consciousness, at all times, that he did his duty as justice dictated to him that he should.

The provisions set forth in the proposed amendments of

section 112b are, in my judgment, of much more importance and of far more reaching consequence than the provisions in section 112a. We are told by divine writ that we can not serve two masters at once, and serve them consistently with our duty. Render unto God that which belongs to Him and unto Caesar that which belongs to him, was the judgment of the Great Judge who lived upon the earth nineteen hundred years ago. This same decree comes to us to-day with as much binding force as it had upon the people of that day. We are not hired agents of our districts alone, but we are supposed to be the agents and representatives of all the people throughout the United States. This section of the statute makes it a penal offense for any Member of Congress, while acting as such Member, to take or accept employment from any national bank, or from any other corporation organized under the laws of the United States, or from any corporation engaged in interstate commerce, or from any corporation that has heretofore been convicted of violating any of the antitrust laws of the United States.

No one can successfully condemn this proposed amendment. It ought to be the law and ought to be so conceded to be the law by every thinking man who gives it one moment's thought, more especially in this day, when the question of controlling the great industrial corporations of the United States in some way or manner by legislation enacted by Congress is up for discussion, not only here, but by the people at large. No man can successfully represent the people in this Congress in the making of laws and at the same time be the hired attorney of some corporation organized under the laws of the United States or some corporation engaged in interstate commerce. Congress has a right to at all times control corporations established under the laws of the United States; and while the corporation thus established on the one hand and the United States on the other may clash in interest, the Representative in Congress, who is supposed to look after the interest of the public, in such cases ought to act with that degree of freedom of spirit and independence that would enable him to do his duty, regardless of friend or foe. One of the sacred principles upon which all governments rest is confidence on the part of the people in their government, that everyone is going to have a square deal. If this confidence is once shaken or destroyed, the principle upon which our entire social and political fabric is founded becomes shattered and destroyed.

We legislate against others committing crimes against the Government; why not us legislate against ourselves? We should shun and avoid the very appearance of evil. This provision of the statute, if enacted into law, will, in my judgment, convince the people that this Congress, or all future Congresses, so long as this statute remains upon the books, desires to avoid the appearance of evil, and desires to stand for that pure legislation which will ultimately restore complete confidence in the masses of the people in their Government. We are confronted to-day with economic questions growing out of our peculiar industrial situation that only a few years ago were absolutely unheard of. Some industrial corporations have grown to such magnitude and strength that the States find themselves unable to cope with the situation. These corporations must of necessity have a master somewhere, and the only source of power to which we can turn to govern and control them is the Government of the United States. A hired attorney of the great industrial corporation engaged in interstate commerce could not feel himself free to act while attempting to enact laws to govern and control these institutions. Therefore I sincerely believe that the two amendments proposed embody such vital principles of law as would redound to the credit and good of the country at large. I sincerely hope that either the Committee on the Codification of Laws will accept them, or that the Committee of the Whole House will enact them into a statute, so that ever after no corporation, its officers, or agents will undertake to pollute and corrupt, either directly or indirectly, any Member of this House, or any judge or justice of the United States. And also that no Member of either branch of Congress, while serving as such, will accept employment from any master other than that to which he has been lawfully elected, the sovereign vote of his people.

We were told a little while ago by the gentleman from New York that politics on our side had been injected into this bill. A reading of the two amendments offered by the gentleman from Texas absolutely refute the statement of the gentleman from New York [Mr. PAYNE]. There is no politics involved in the amendment now under consideration. However, if it takes an injection of politics into a discussion of bills or amendments thereto pending in the House before we can procure just, wise, and much-needed legislation, I for one am perfectly willing that

politics be injected into the discussion. Section 111 of this same bill makes it a penal offense, punished by a fine of not more than \$5,000 or imprisonment for not more than one year, or both, for any Member of this House, except in the prosecution of his duty, to prosecute a claim against the United States or to receive any interest in any claim against the United States as a reward for his service. Is there any politics involved in this section of the statute? The answer to it is palpably plain: None whatever. It is indeed an extremely valuable section to the penal code of the United States. It completely divorces Members of Congress from prosecuting any claims against the United States for a fee or reward. Under the same rule Members of Congress should, in my judgment, while serving as a Member of Congress, be absolutely prohibited from serving either as a director, agent, officer, or attorney of any corporation organized by means of a Federal statute or any other corporation doing an interstate business. Congress has power by means of law to charter corporations, and by means of the Constitution has the power to regulate interstate commerce. Therefore by this means Congress has the power to govern and control corporations engaged in interstate commerce. Whether it is right for Congress to govern and control corporations engaged in interstate commerce is indeed quite another thing. If Members of Congress are prohibited from prosecuting claims against the United States, except in the discharge of their duties, for a fee or reward, upon the same principle, in my judgment, Members of Congress while serving as such should be prohibited from accepting employment from any corporation organized under the laws of the United States, or from any other corporation over which Congress may by its constitutional power assume control.

Again, section 120 of this bill makes it a penal offense for any Member of Congress to solicit or receive any assessment or contribution of money for any political purpose whatever. Section 121 makes it a penal offense for anyone in any building, or in any navy-yard, etc., to solicit in any manner contribution for campaign funds. Section 122 makes it a penal offense for any employee of the United States to promote or degrade any employee of the Government who neglects or refuses to make any contribution for campaign purpose. Section 123 makes it a penal offense for any person in the service of the United States to give or hand to any Member of Congress any money for the promotion of any political object whatever. Here are four distinct sections of the bill under consideration imposing a severe penalty for the doing of certain things which, in my judgment, are of far less importance than the things enumerated and attempted to be prohibited by the amendments now under consideration. Let us as Representatives in Congress, representing as we do more than eighty millions of free men and women, do our duty by writing these amendments upon our statutes. [Applause.]

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this section and amendments thereto terminate in five minutes.

The question was taken, and the motion was agreed to.

Mr. MACON. Mr. Chairman, I favor the amendment offered by the gentleman from Texas [Mr. RANDELL] because it is right in spirit if it is not perfect in its draft. I hope the House will give a favorable vote for its adoption; but, Mr. Chairman, I rise now for the purpose of answering a part of the argument made by the gentleman from New York [Mr. PAYNE]. He insisted that Members of Congress were like Caesar's wife, above suspicion, and therefore there was no necessity for the enactment of a law to prevent them from serving two masters. I want to say in answer to that suggestion that if reports are true the gentleman from New York knows very well that a certain gentleman who is now an ex-Congressman violated the law of the land while a Member of this House and escaped punishment therefor by pleading the statute of limitations. He knows that a certain ex-Senator from a great Western State violated the laws of his country while a member of the United States Senate and escaped punishment by entering the same plea. He knows that another ex-Senator violated the laws while a member of the Senate from another Western State and served his time in the penitentiary therefor. He knows that another Senator after thirty long years of service was indicted and convicted for violating the laws of his country and died between the court-house and the penitentiary. He knows that Congressmen are human beings, that they are subject to temptations just like all other men, and if he seeks by his talk and by his vote to quiet that feeling that causes some of us to believe that laws ought to be passed that would prohibit Members from serving two masters, when they are elected by the people for the sole purpose of serving them, he is badly mistaken in the material that he is working on.

As to what the gentleman from Michigan [Mr. DENBY] stated this morning when he asked the gentleman from Texas the question, that if his amendment prohibited farmers from employing counsel, I want to insist that there is no interest of the farmers from one end of this country to the other that is in any sense inimical to the best and highest interests of the National Government. Their interests never conflict with any of the interests of the Government; they support the Government. Everybody knows that there is no necessity for a law to prevent farmers from employing counsel.

They never undertake to prostitute the laws of their country or corrupt its Representatives. For that reason the insinuation that the gentleman made that the farmers might be prohibited from employing counsel is entirely foreign to the question that is now being considered by the House.

Mr. DENBY. May I ask the gentleman whether he does not recognize that the farmer is engaged in interstate commerce and that farmers may be associated together in business constituting a firm, and therefore under the wording of the bill the farmer could not employ a lawyer who happened to be a Member of Congress?

Mr. MACON. I recognize the fact that the farmer is not engaged in interstate commerce.

Mr. DENBY. Is not?

Mr. MACON. I recognize the fact that he is engaged in producing all that the gentleman eats or wears.

Mr. DENBY. And shipping it from State to State.

Mr. MACON. And that the great corporations of the country are doing the interstate part of the transaction and not the farmer. Let the farmer alone, for he will never do our country any greater injury than to feed, clothe, and defend it in time of war as well as in times of peace.

The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. RANDALL of Texas) there were—ayes 56, noes 82.

So the amendment was rejected.

The CHAIRMAN. When the committee rose on Thursday, by unanimous consent an amendment was pending and postponed until the next session of the committee, offered by the gentleman from Texas [Mr. BURLESON]. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Amend by adding after section 119 the following:

"SEC. 119a. Every officer and employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is required by law or under the rules and practices of any Department of the Government to be withheld from publication until a fixed time, who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules and practices of the Department of the Government to receive same, shall be punished by imprisonment for not more than ten years and may be fined in any sum not to exceed \$10,000.

"SEC. 119b. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of any Department or office of the Government who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product, by selling or buying same in any quantity, shall be punished by a fine of not more than \$10,000 and may be imprisoned for not more than ten years."

Mr. SHERLEY. Mr. Chairman, I desire to offer as a substitute to the amendments offered by the gentleman from Texas the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Add after section 119 the following:

"SEC. 119a. Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any Department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules and practices of the Department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules and practices of the Department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

Mr. SHERLEY. Mr. Chairman, the amendment offered by myself as a substitute to the amendment offered by the gentleman from Texas makes no change in substance, but does make

some slight change in form. The effect is simply to consolidate the two sections into one and to put them in such phraseology as to be in keeping with similar sections now in the bill reported by the committee. The explanation made by the gentleman from Texas [Mr. BURLESON] when the matter was up some time ago perhaps makes unnecessary much of a statement by myself. The act is aimed to punish those in official positions whose duties enable them to obtain information relative to crop statistics, who give this information to others prior to its being made public in accordance with law. There have been grave abuses in the past by virtue of the action of men in the employ of certain Departments of the Government whose duty it was to protect the information respecting the various crops, as, for instance, the cotton crop, and who, prior to the giving out of that information publicly, gave it to certain parties for speculative purposes, and the matter reached the point of a considerable scandal. The gentleman from Texas [Mr. BURLESON] introduced into the last Congress a bill seeking to cure this trouble, and it passed the House of Representatives. It also passed, as I understand it, the Senate of the United States, but in that body there were certain verbal changes made which threw the matter into conference. In conference the committee on conference enlarged the bill very greatly in scope. When it came back to the House it was defeated as presented by the conference committee. The amendment now pending is confined to matters relative to the product of the soil, and is not made to extend to information further than that, I believe it is in line with legislation—

Mr. OLMSTED. Mr. Chairman, right there I would like to inquire whether, as I hear the amendment read, it would subject a Member of Congress or other officer of the United States to heavy fines for violating a rule of a Department, with which rule the officer might not be at all familiar or have any means of knowledge.

Mr. PAYNE. Not only the rules, but the practices of the Department.

Mr. SHERLEY. I think not by the remotest construction. I believe an examination of the act will show that it is expressly limited to those persons holding such office, employment, or position as shall by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules or practices in the office required to be withheld from publication until a fixed time. Now, it applies to those employees and officers of the Government in a department where the rules of that department with which they are bound to be familiar, require that this information shall not be given publication until a fixed time—now, if these persons give out this information they shall be punished, and, manifestly, they ought to be punished.

Mr. OLMSTED. But, if I heard the reading of the first part, it applies to a great many more than the employees of the department. It applies to any officer of the Government—

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Chairman, I ask that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Kentucky may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Any officer of the Government, for instance the chairman of the Committee on Agriculture, might come into possession of some information of that kind by virtue of his position. He would not know the practice of the Department or rules of the Department, and yet if he gave it out in a public report to the House of Representatives, he would be subject to a \$10,000 fine.

Mr. SHERLEY. I do not believe the criticism offered by the gentleman is a proper one to the amendment as drawn. I do not believe any judge undertaking to construe it according to the plain language used could possibly hold it applied to the case the gentleman has stated.

Mr. OLMSTED. I brought it to the attention of the gentleman, so that if he thought it necessary he might amend it accordingly.

Mr. SHERLEY. My idea is the law is properly safeguarded by the language used to prevent it reaching that class of cases.

Mr. CRUMPACKER. With the gentleman's permission. I listened to the reading of his substitute and I got the impression that it confined offenses to information given out by an officer or employee while he is in the Government service. Now, suppose a man connected with the crop-estimate service gets full information respecting conditions and resigns, as he might

well afford to do if the information is of such a character as to affect the market, and after resigning he sells the information to speculators, under your substitute he could not be punished, because it requires information to be given out while the offender is in office.

Mr. SHERLEY. I think that is true, and I do not know whether you could reach the case of a man who, having resigned his office, gives such information out. Certainly our desire in offering the amendment was to narrow it. The gentleman's complaint is just the opposite to that suggested by the gentleman from Pennsylvania. His criticism is that it is too broad. Yours is that it is not broad enough.

Mr. CRUMPACKER. It is not broad enough to accomplish what the gentleman hopes to accomplish. I do not believe in the amendment, because I think it is too vague and uncertain. I think among other vicious features that is one. I think the law that makes it a crime for any employee of the Government who receives information respecting crop estimates or statistics, in virtue of his office, place, or employment, to give out such information at any time before it is legal to publish it, or by order of the head of the Department, ought to be punished, but we do not need this kind of a law to do that. A law that involves so much of speculation and uncertainty as is embodied in this amendment I do not think wise, and I think the amendment does not accomplish what gentlemen intend it shall, because a man may get information and resign his office, give up his job, give this information out, and make thousands of dollars on the stock exchange without fear of punishment.

Mr. SHERLEY. I am inclined to agree with the gentleman that it does not embrace the case of a man who has resigned, and if the Committee of the Whole desires to make it that much broader they can, though there is some question in my mind whether you can; but I have no objection. The other criticism I do not think is well taken. I do not think that the fears that have been suggested in regard to this act reaching out and bringing within its terms Members of Congress and men who in perfect good faith might state some fact that might prove of value to a man who would be able to apply it to existing market conditions are well founded. The amendment is aimed at a very serious evil and it is in practically the language that had been adopted by the Commission when it was contemplated to put it in the revision, but the committee, following the narrow line of not bringing in new matter, concluded not to report the recommendation of the Commission, but it has occurred to me, after the statement made by the gentleman from Texas, that the matter has been sufficiently considered by the House to warrant its consideration here and insertion in this penal code.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL. I have been listening to the gentleman, and I want to ask why its application is confined to products of the soil. If it is a good thing, why not apply it to other things?

Mr. SHERLEY. Perhaps the real reason is that previously it has not been so confined as desired by certain Members, and it was with the hope of avoiding such opposition that it is now narrowed. Another answer, and perhaps a more proper one, is that the abuses so far that have arisen—that have given cause to the need of such a law—have been abuses growing out of the divulgence of information relating to the products of the soil.

Mr. DRISCOLL. May there not much difficulty arise in the construction of what is directly or indirectly "products of the soil?"

Mr. SHERLEY. I think not. I think it is possible for gentlemen to suggest imaginary troubles in connection with that. That is true of anything, but I suggest to the gentleman that "products of the soil" is certainly a definite enough statement to be properly interpreted by the court.

Mr. CRUMPACKER. I would like to suggest to the gentleman that one vital feature of this bill—it seems to me sufficient to defeat it as a criminal statute—is that the character of the information disclosed must be such as tends to influence the market. Who knows? Who is the judge? How can any man tell what information may influence markets? The gentleman is a good lawyer and a good legislator and duly appreciates the fact that in criminal statutes it is highly important to state the crime clearly and explicitly, so that an ordinary man can read the statute and know what is forbidden by it. Here is an element of conjecture and speculation. One may in conversation with a friend incidentally give casual information

that he does not dream will influence or tend to influence markets. Is he a criminal? Must he give it knowing it is of such nature that it will influence markets? Is he to be the judge, or shall the court and jury determine those questions? That element of uncertainty ought never to go into any penal statute.

Mr. SHERLEY. I thoroughly agree with the gentleman that, so far as possible, there ought to be eliminated any matter that is open to construction, and if it were possible to the amendment to suggest language that would clearly indicate it better than that which has been used, I would be more than willing to have it done. But I suggest also to the gentleman that I believe it is an ascertainable fact by a jury in the trial of an indictment under this section to determine whether the information was such as might exert an influence upon or affect the market value of a product of the soil. The amendment is aimed at those officials in the Government who become possessed of certain statistical information in regard to the crops growing in the country and who, by having that information prior to the public, are in a position to judge of the market price of a given crop, and all of those facts being set out, as they would have to be, in detail, in an indictment, would present such a case as, in my judgment, would enable, under proper instructions, a court and jury to determine the offense.

Mr. CRUMPACKER. That might be true in relation to a court and jury, but the accused ought to know in advance, and he ought to have an opportunity to know whether the information that he gives out is criminal information.

Mr. SHERLEY. The accused, who in this case must be an employee in a Department whose duty it is to get this information, does know and must of necessity know that he should not divulge any of the information.

Mr. CRUMPACKER. Now, the gentleman is getting on the right theory. If the bill were prepared prohibiting, as I said a moment ago, the divulging of any information in respect to estimates or statistics in relation to crops, growing or matured, until they had been made public by law or the head of the Department, it would be a specific penal statute, so that everybody would know what was meant by it, and it would reach the identical question that is intended to be reached by this amendment—by this speculative proposition.

Mr. SHERLEY. If the gentleman will bear with me, the accused in order to be convicted under this statute must have become possessed of this information by virtue of the office, employment, or position held by him, and that narrows it to just the idea the gentleman suggests. If he gets this information through an official capacity, and then in violation of his duty gives it out to certain parties for their special benefit, he becomes liable, and there will be no uncertainty in the mind of any honest employee of the Government whether or not he is violating the provision of this act. It would simply impose upon them the secrecy until publication that was intended when Congress provided for the gathering of statistics.

[Here the hammer fell.]

Mr. GRONNA. Mr. Chairman, I trust there will be no partisan feeling in regard to a question of this kind. This amendment in my judgment should pass this House. It should be a part of this law. What harm can there be in passing this amendment, whereby an officer who is supposed to be in possession of these estimates shall be fined if he imparts any information concerning the wheat crop, the cotton crop, the corn crop, or any crop that the soil may produce? You all know that if information of this kind is imparted to anyone, it is given out absolutely to the speculator, to the direct loss of the producer.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. GRONNA. Certainly.

Mr. CRUMPACKER. Suppose the information tends to show a shortage of the crop, and it booms the price. The producer who has his product on hand gets the benefit, does he not?

Mr. GRONNA. It makes no difference.

Mr. CRUMPACKER. It may operate either way.

Mr. GRONNA. It does not make any difference whether it booms the price or not, we should provide that information of this kind should not be imparted. We should go further than that, and as the gentleman from Indiana [Mr. CRUMPACKER] said a moment ago, the officer should be prohibited from making any estimate. Not only should he be prohibited from giving out information, but he should be prohibited from making estimates, unless he had good and sufficient reason to suppose that his information was correct. Now, I for one shall vote for this amendment, and I sincerely hope that it will not be made a partisan question.

Mr. McCALL. Mr. Chairman, the gentleman from Kentucky

[Mr. SHERLEY] has correctly stated the course that this matter took in the previous Congress. I think this is to be said: That although the bill then pending passed the Judiciary Committees of the House and the Senate, and although it passed both the House and the Senate unanimously without debate, that when the attention of the House was squarely brought to the matters involved in the bill the House by a very decisive vote, nearly two to one, upon a roll call, voted against it, so that what the committees of previous Congresses did should not have any weight in view of the fact that their action was so decisively set aside by the House after a very full debate. Now I want to say in justice to this proposition that it is very different from the proposition that was reported by the Judiciary Committees in the last Congress and that was voted down by the House of Representatives. I think the gentleman from Texas [Mr. BURLESON] has pretty nearly limited it to the exact evil that he wants to meet. My objection to the previous bill was a fundamental objection. The Government of the United States rests upon publicity. The people should be encouraged to know everything possible concerning their Government. There should be no law framed which by any ambiguity would make it a crime for any officer of the Government to tell the people anything he knew about what the Government was doing unless a very grave reason of state existed; and when the House had its attention called to that aspect of the case it very decisively voted the bill down. There should be no confidential statistics, no confidential information, made so by law in a Government like ours, unless that confidential information is very strictly and carefully defined by the law. We should rather favor taking the lid off than putting it on. While we may pass bills here making it improper for a Member of Congress to do this or not, we only impair our own freedom of private action, and when a given matter is brought within the scope of the law we should proceed with caution and be careful not to do things which by a stretch of the law might come within the things prohibited; but when we say that an officer of the Government shall not give certain governmental information, then we should be very cautious in our definition, so that the officer should know what he is prohibited from. In any case of doubt he would solve the question in favor of his own freedom and thus general terms and doubtful construction would operate against that publicity so salutary in a Government like ours.

Mr. GRONNA. Will the gentleman allow me to ask him a question?

Mr. McCALL. Certainly.

Mr. GRONNA. Is it not a fact that there is a certain time when these officers give this information?

Mr. McCALL. That may apply to the specific question; I have been talking about the general proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCALL. I should like to have another five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL. So that my objection to the previous bill was that the information which the officer was prohibited from giving out should be clearly defined, and it was not clearly defined. We know a man who is at the head of a Department of the Government and his representatives and subordinates are continually approached by members of the press. They are probed for news to give to the people; and sometimes one of these officers may be indiscreet and tell something he should not tell. I do not think he should be punished for an indiscretion merely, which, although it is an indiscretion, will in some cases do more good than harm. But what I desire to make emphatic is the necessity of caution in formulating a penal statute against any officer giving information.

Now, the evil the gentleman has aimed at is an evil that exists and that should be dealt with. We require by law that certain information be collected concerning the growing crops—cotton and other crops.

Mr. BURLESON. Wheat and corn.

Mr. McCALL. Wheat and corn. The gentleman from Texas simply wishes to deal with that subject-matter. This bill seems to me to be so drawn that it is limited to that subject-matter. If it came up as a new proposition here, and not as a part of the revision of the penal laws, I should have no objection to the gentleman's proposition, and should vote for it if it were clearly expressed.

I confess I have not, although I have had an opportunity to do so, studied the amendment with any particular care. I do not know whether it would prohibit the giving of information upon a call, for instance, by the House of Representatives, because this amendment is protecting that information by a statute, and, of course, a resolution of the House of Repre-

sentatives could not set aside a statute and free an officer from his obligations under it.

It seems to me that the gentleman can bring this before the Judiciary Committee and if its phraseology is approved that he can get it through the House unanimously; but it touches a very important subject-matter, and it seems to me that we should be very certain that it covers just the point that the gentleman from Texas wants to cover, and that there is no redundancy or pleonasm, such as are used in indictments, that will cause it to reach cases that we do not want to reach at all.

Mr. BURKE. Mr. Chairman, there is just one feature of this amendment that presents a very serious aspect to me. As I understand it, the crime here depends not upon the giving out of certain information, but upon the violation of a rule or practice of a Department. Now, who makes the rule that furnishes the basis of this criminal act? Is it the legislative branch of the Government, or is it the head of an Executive Department? If it is not the legislative branch, then I ask by what right and under what rule can the authority be delegated to any one other branch of the United States Government? Can we, even if we wish, forego our own functions and delegate them to others?

Let us assume that a committee of this House were appointed for the specific purpose of ascertaining information regarding certain matters in the Department of Agriculture, and every man on that committee is acting by virtue of his office and in pursuance of his official duties, and, while acting in that capacity, one of them ascertains certain facts or procures certain information; and on the following day very properly and in accord with the view of every Member of this House and of every member of the Senate of the United States, he should see fit to give out that information to the general public. There would be no disagreement whatever among the members of the legislative branch of the Government as to whether it constituted an offense or not. But let us presume that during the night the head of that particular Department from which that information were received should frame some regulation or promulgate some rule which made the giving out of that information an offense. The giving out of the information by the Representative, because it violated the rule so laid down by that Department head, would constitute a criminal offense, according to this amendment. Now, Mr. Chairman, it seems to me that under the circumstances, as this amendment clearly delegates legislative power to an executive officer, it would, for that reason alone, invalidate the statute if it were adopted here.

Mr. SHERLEY. Will the gentleman yield?

Mr. BURKE. Yes.

Mr. SHERLEY. Of course the gentleman understands that no regulation made by a department could be valid unless made in pursuance of law. The gentleman will further understand, because he has read the amendment offered, that the officers and employees affected are those who in the department, by virtue of a duty, obtain this information, and there would not be the slightest danger of such officer violating a regulation of his own department, under which he was working and obtaining this information unconsciously. If he violated a proper regulation, made in pursuance of law, there is no doubt as to our power to punish. The question has been adjudicated, and there is a line of cases which establish that principle. The gentleman understands that Congress frequently passes a law giving to a department certain duties and powers, but can not and does not undertake to provide every detail, but leaves the details to be the result of proper regulation. Now, I agree with the gentleman that there is considerable to be said against the theory of making the violation of a regulation an offense; but when the violation is of a regulation pertaining to the very duties of the man who commits the offense, it does not seem to me that the same weight can be attached to the gentleman's argument.

Mr. OLMSTED. I should like to offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding the following:

"Provided, That no person shall be deemed guilty of a violation of any rule or practice of any Department unless prior to such alleged violation he shall have been furnished with a duly authenticated written or printed statement of such rule or practice."

Mr. BURLESON. I have no objection to that.

Mr. MOON of Pennsylvania. Mr. Chairman, I desire to say one word respecting the attitude of the committee on this proposed section now before the House, and to explain that it occupies a very different position from the new sections previously objected to by the committee. This particular section of law was reported by the Revision Commission favorably,

and now exists as a part of the report of the Commission and appears in that report as section 8669. In the first revision bill that was introduced in Congress, and referred to the House Committee on the Revision of Laws, this section of law was carried. It had been reported favorably by the Judiciary Committee; it had once passed the House and Senate, but when our committee came to consider it as a part of the bill they found that by subsequent action the House had refused to enact it into law, and this action of the House was regarded by your committee as a mandate not to carry it in its bill. I remember at the time that it was considered in the committee, the very eloquent argument of the gentleman from Massachusetts [Mr. McCall] was read and the action of the House in rejecting it was reviewed. And for that reason alone your committee did not report the section in the present bill, but the section was before the committee for its consideration and was recommended by the Revision Commission whose work this committee was called upon to review, and it is clear therefore that the consideration of this proposed amendment stands upon an entirely different plane before the House than the amendment proposed by the gentleman from Texas [Mr. RANDELL] and which was opposed by the committee upon the ground that the provisions included in those amendments were absolutely new law that had never been passed upon by a committee of the House or recommended by the Commission.

In the present consideration of the new section we assume no position as a committee as to its advisability or its necessity, but I make this statement in order to make clear the distinction between it and the other amendments opposed by us.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. MANN. Is the gentleman able to state in how many places in this codification and revision of the penal code a violation of a rule of a Department is made a criminal offense?

Mr. MOON of Pennsylvania. I am not able, Mr. Chairman, to state accurately, but it was our purpose, and I remember one instance at least, where we refused to report a section that made a violation of a regulation a criminal offense. I will say that such provision occurs in very few instances.

Mr. MANN. Does the gentleman know that there are any?

Mr. SHERLEY. There are a few instances growing out of regulations of the War Department and, I think, some in regard to the regulations touching mines and matters of that kind. I think that is the case, but I am not positive.

Mr. MANN. There was a recent decision of the Supreme Court relating to this matter in some way, but I am not familiar with that decision.

Mr. MOON of Pennsylvania. I think that decision said that a regulation must be made in pursuance of law, otherwise a violation would not be a criminal offense. I will state, in elucidation of what was said by the gentleman from Kentucky in reference to the question asked by the gentleman from Illinois, that this committee, acting upon the section, No. 48, I think, respecting the regulation referred to by the gentleman from Kentucky, a provision making it a crime to violate a regulation of the War Department respecting the trespassing upon a torpedo or mine field, the committee struck that out—that portion of the law respecting the regulation of the Department—and reported to the House the section omitting that provision, upon the ground that we did not regard it salutary or safe to make the violation of a regulation of a Department a criminal offense.

Mr. MANN. I understand the specific matter that this amendment seeks to get at is the giving out of crop-report information, and this would make it a criminal offense to violate a rule or practice of the Agricultural Department. Would that be any offense under the decision of the court unless the Agricultural Department be authorized by law to make that regulation or rule?

Mr. MOON of Pennsylvania. No; absolutely not.

Mr. MANN. Is the Agricultural Department authorized by law to make any rules and regulations in such a matter?

Mr. MOON of Pennsylvania. Yes; I think I can say that the Department is so authorized, but I have not the section before me.

Mr. MANN. What I want is the information as to whether this proposition, if adopted, will have any effect? Is there any authority of law given to the Agricultural Department, or the Secretary of Agriculture, to make regulations upon this subject? Is there any provision of law upon the subject except the mere appropriation carried year after year in the agricultural appropriation bill?

Mr. MOON of Pennsylvania. While I have not the section of law relating to it before me, yet I have a distinct impres-

sion that the Agricultural Department has the power to make such regulations, but if it has not, nobody could be convicted under this section.

Mr. MANN. While I directed my question to the gentleman from Pennsylvania [Mr. Moon], I was shooting past the gentleman from Pennsylvania, hoping that the author of the amendment would be able to give us the information.

Mr. MOON of Pennsylvania. Well, I will not stand in the way of the author of the amendment giving the gentleman that information.

Mr. CRUMPACKER. Mr. Chairman, I have in mind, I think, the purpose of the pending amendment, the abuse that it is designed to correct. Several years ago an employee in the Department of Agriculture was charged in the public press with having given out to speculators on the stock exchange information, coming to that office officially, respecting estimates of the cotton crop. It was charged that that officer of the Government took the information to speculators and profited largely thereby. It was discovered that there was no statute, no law under which he could be prosecuted for violation of any public duty. Personally, I have no objection at all to a law; not only have I no objection, but I believe a proper law ought to be enacted to protect the public against that kind of abuse.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. CRUMPACKER. In a moment. I think the law ought to be definite and specific. It is a subject that can be clearly stated in a bill. There is no need of embodying in the law elements of conjecture or speculation or metaphysics, such as are in a way in this provision, such as ought to have no place in any penal law. There are a number of provisions in this amendment that I think are objectionable, that violate the principles, the very fundamental principles, of criminal legislation.

Mr. GAINES of Tennessee. Can the gentleman tell the committee what became of the Holmes case that arose out of the Agricultural Department?

Mr. CRUMPACKER. I believe it was ascertained that there was no statute under which Holmes could be prosecuted, and it is the object, I understand, of the gentleman from Texas [Mr. BURLESON], whom we think to be the author of this amendment, and who introduced a bill in the last Congress upon this subject and came very near getting it through, to provide a way of reaching that class of offenses, but I think his provision is not apt at all.

Mr. GAINES of Tennessee. Will not the gentleman, who is confessedly a good lawyer, give us an amendment to the gentleman's amendment that will cover that outrageous practice?

Mr. CRUMPACKER. That same thing was suggested in the discussion of substantially this bill when it came up in the last Congress. The bill had gotten to the last stage of consideration and the House voted down the report of the conferees, and then on the motion of the gentleman from Massachusetts [Mr. McCall] tabled the whole proposition. It was suggested then that all that was necessary was to make it a crime for any officer or employee of the Government to give out to anybody any information respecting crop estimates or statistics until they have been made public either by law or by authority of the head of the Department.

Mr. GAINES of Tennessee. Does the gentleman know of any law governing the Department down there that makes it a crime or a punishable act to make a corrupt calculation as to crops?

Mr. CRUMPACKER. Well, I do not know. If there is any such practice, it ought to be punished.

Mr. GAINES of Tennessee. There is a most outrageous case that I know of where there was a corrupt calculation as to the tobacco crop, where they made it much larger than it was and published it, and therefore to the detriment of the grower.

Mr. CRUMPACKER. I want to call the attention of the committee to the phraseology of this amendment. It does not make it a crime to give out information respecting crop statistics or estimates that may have been gathered officially by any Department, but it makes it a crime to give out information which might exert an influence or affect the market value of any product of the soil. There is the element of speculation, of conjecture. I say that no man in America can read that provision and know what he can do and what he can not do and not become a criminal. No man, I repeat, no lawyer is able or acute enough to give trustworthy and reliable information in the interpretation of that statute to anyone so as to protect him against prosecution under it. I say let it be declared a crime to give out information respecting estimates and crop statistics that are gathered officially by any Department of the Government until they have been made public by law or by

authority of the Department and you have covered the exact question in language so plain that nobody who can read can misunderstand the provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRUMPACKER. Now, in relation to the question of predicating a crime upon rules and regulations, I think the amendment is also objectionable. I do not have in mind—and I confess that I have not in mind all of the statutes governing the action of the Department of Agriculture—any statute authorizing the Department of Agriculture to make crop estimates and to publish rules and regulations outside, possibly, of the appropriation acts.

I do not believe they convey in express terms any authority for the Department to make rules and regulations, but as a matter of necessity in doing the work the Department is, of course, compelled to adopt certain practices and regulations in its administration.

Mr. SHERLEY. If the gentleman will permit, there is a general statute that gives the heads of all Departments authority to make regulations in furtherance of law.

Mr. CRUMPACKER. That may be true. Those are administrative regulations and they are only for the purpose of carrying out the detail work of administration, and I do not believe there is a single instance in all this country where a regulation under that general authority has been recognized as a valid basis for a penal prosecution—

Mr. SHERLEY. There are many decisions under the internal revenue and probably as many under customs.

Mr. CRUMPACKER. Of course there may be numerous decisions under the internal-revenue law, but none that the courts of the country have held valid, excepting where the particular law authorized the making of regulations and those regulations limited only to the carrying out of the purpose and spirit of the law.

Mr. LITTLEFIELD. Is not that this amendment?

Mr. CRUMPACKER. I think not.

Mr. LITTLEFIELD. Does not this create an offense and authorize regulations for the purpose of taking care of the details?

Mr. CRUMPACKER. No; the matter of regulation is altogether a collateral proposition. The amendment creates an offense based upon practices that may exist in a certain Department. That is the proposition.

Mr. BONYNGE. Does the gentleman think an offense can be made by regulation of an act which is not made an offense by statute?

Mr. CRUMPACKER. Oh, no; a criminal offense can not be predicated upon a regulation.

Mr. BONYNGE. Is it not the gentleman's contention that unless the act is made a criminal offense by statute, notwithstanding the Department may have the right to make regulations, it can not base a substantive offense upon a regulation?

Mr. CRUMPACKER. That is the law as declared by the courts, and the gentleman has well stated it, that the Congress must determine what act shall constitute crime and fix the penalty, and in that connection Congress may provide for administrative purposes, may make certain regulations that will elaborate, amplify, or administer the provisions in detail of that law. For instance, Congress may provide that it would be a crime to counterfeit any certificate that an executive officer is required to make by the law. Now, the executive officer requires a certain certificate to carry into effect a certain law in which Congress creates a crime and imposes a penalty by the statute itself, and that is a pretty fair illustration of the kind of regulation that may be made the basis of a penal offense and that only. Now, here the crime is the matter of a regulation only. It may be a crime to-day to do a thing and the next day it may be an innocent act altogether, depending upon the regulations made by our Department of Agriculture, for instance. These crimes are based in a large degree altogether upon regulations, and all the members of this committee will admit that is not a scientific way, at least, of making penal laws. The Constitution vests in the Congress the legislating power. It does not permit Congress to delegate that power or responsibility to any administrative department, and therefore I think there are two serious objections to this bill that might easily be remedied and a very simple provision substituted, reaching the evil that is desired to be remedied, to be clear of all elements of speculation and conjecture and be free from all these matters of regulation and practice. I am against the bill. I am against any criminal law

drawn in such fashion as this, however serious the evil may be that is sought to be corrected.

Mr. BONYNGE. Mr. Chairman, while on the subject of defining crimes by rules and regulations of a Department I want to say a few words. I have not made a careful investigation of the decisions of the courts to ascertain the power and authority of the Departments to make rules and regulations which may constitute crime, but it has always been my understanding that a Department could not make a crime out of an act which was not made a crime by a statute. And on referring to one case in the Supreme Court of the United States, which I sent for a moment ago, my original opinion has been confirmed, as I read the case, at least. I desire to call the attention of the committee to the case of *The United States v. Eaton*, in 144 Report of the United States Supreme Court, commencing at page 677. I desire to call attention to a few quotations from that decision.

Mr. SHERLEY. Will the gentleman before reading the quotation state the actual facts so that we will know just what the court decided?

Mr. BONYNGE. This was under the oleomargarine act. I will read the syllabus of the case, which states very briefly the facts, as follows:

A regulation made August 25, 1866, by the Commissioners of Internal Revenue, with the approval of the Secretary of the Treasury, under section 20 of the act of August 2, 1866, (c. 840, 24 Stat., 209) in relation to oleomargarine, required wholesale dealers therein to keep a book and make a monthly return, showing certain prescribed matters. A wholesale dealer in the article who fails to comply with such regulation is not liable to the penalty imposed by section 18 of the act, because he does not omit or fail to do a thing required by law in the carrying on or conducting of his business.

There are no common-law offenses against the United States. It is necessary that a sufficient statutory authority should exist for declaring any act or omission a criminal offense; and the statutory authority in the present case was not sufficient.

Now, I think I will show not only that there was not a statutory authority for making the act an offense, but that the court held further that unless the offense was created by the statute and not by the act it could not be an offense.

Mr. LITTLEFIELD. Not by the regulation.

Mr. BONYNGE. Not by the regulation.

Mr. SHERLEY. I do not think there is any dispute in regard to that. No one, as I know of, contends that a Department can create a crime.

Mr. BONYNGE. But I understood the gentleman's position to be that if the law gave to a Department the power to make a regulation, and a regulation was made in pursuance of law, that even though the violation of that regulation was not by the act itself made an offense, it could be made so by the regulation.

Mr. SHERLEY. My position was this, and I think I could find the gentleman some cases if I had the time for a moment's research, that Congress can make it a crime to violate a law and regulations made in pursuance of that law, and that Congress has done it, and that men have been convicted under such a law.

Mr. BONYNGE. I would like the gentleman to produce the authority, because the position I take is this, that unless the statute itself makes the act a criminal offense, the Department can not by a regulation make the act a criminal offense.

Mr. OLMSTED. Suppose this act makes it a criminal offense to violate that regulation. Then you have an act of Congress, have you not?

Mr. BONYNGE. No, I do not think you have the act of Congress making the offense a criminal offense, unless in specific terms the statute has made that act a criminal offense. Let me call your attention to what the court said:

It is a principle of criminal law—

I cite from the opinion of the court—

that an offense which may be the subject of criminal procedure is an act committed or omitted in violation of a public law, either forbidding or commanding it.

Quoting from the American and English Encyclopedia of Law.

Now, I ask the gentlemen to note that language, that "it is a principle of criminal law that an offense that may be the subject of criminal procedure is an act committed or omitted in violation—" Of what? In violation of a regulation made in pursuance of an act of Congress? Not at all, but "in violation of public law, either forbidding or commanding it."

Let me call attention to this further language—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, I ask for five minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BONYNGE. Quoting now from the concluding language of the court in this case:

Regulations prescribed by the President and by the heads of Departments under authority granted by Congress—

Which is the question the gentleman submitted to me—may be regulations prescribed by law.

And nobody doubts that there may be lawful acts done under them and in accordance with them, and may thus have in a proper sense the force of law, but it does not follow that a thing required by them, which is the regulation, is a thing so required by law as to make the neglect to do the thing a criminal offense in a citizen where a statute does not distinctly make the neglected thing a criminal offense.

Mr. SHERLEY. Now, if the gentleman will bear with me; that was a case where the penal law simply provided for a violation of law and did not go further, and did not provide that it was a penal offense to violate the law or any regulation made in pursuance thereof. Of course it is manifest that no Department can make a penal statute, but it is quite competent that Congress shall declare what the offense and penalty is and shall say that a violation of the law and the regulation made in pursuance of that law shall be so punished.

Mr. BONYNGE. Your proposition necessarily goes to this conclusion—that we can delegate to a Department the right to designate what acts shall constitute a crime. While the regulations may be made in pursuance of law, we can not say that any act is made a part of a criminal statute itself by being a violation of the regulation made in pursuance of a statute. Would you confer upon the Department authority to say what acts shall constitute a criminal offense?

Mr. SHERLEY. No. But we do confer upon the Departments, in pursuance of law, the carrying out of a great many details. And we have declared a violation of the regulations a crime. The gentleman will find on examination a great many cases—I know in internal revenue I can find a number of cases of that kind.

Mr. BONYNGE. I hope the gentleman will produce some of them.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. BONYNGE. Certainly.

Mr. CLARK of Missouri. Do you know of any act passed under which they made the regulations whereby they issue orders from the Post-Office Department prohibiting people from the use of the mail?

Mr. BONYNGE. But there is nothing criminal in that.

Mr. CLARK of Missouri. I know; but I know it has absolutely ruined a good many men.

Mr. BONYNGE. But we are talking about the power of the Department to create a criminal offense by regulation.

Mr. CLARK of Missouri. Does it not inflict punishment?

Mr. BONYNGE. Not criminal punishment.

Mr. CLARK of Missouri. Is it not practical punishment in the nature of a crime?

Mr. BONYNGE. It inflicts damage, but it does not make a criminal offense punishable by indictment in a criminal court. That is what we are talking about.

Mr. CLARK of Missouri. Under that regulation that they made down there they can bankrupt any house in the country; and they have done it repeatedly.

Mr. BONYNGE. But at the same time the Department does not undertake to say that the act is criminal. The Department may in such cases cause damage, but the question we are discussing is the power of a Department to make an act criminal which is not so made by a statute.

Mr. OLMSTED. Mr. Chairman, the gentleman from Colorado has referred to the decision of the United States Supreme Court in the Eaton case, based upon section 18 of the oleomargarine law. Those laws did permit the Secretary of Agriculture to make regulations, but did not specify the regulations and did not specify any penalty for a violation of those regulations. That is the point I tried to bring out. Section 18, which was referred to in the syllabus of the court, and read by my friend from Colorado, reads thus:

That if any manufacturer of oleomargarine, any dealer therein, or any importer or exporter shall knowingly and willfully omit, neglect, or refuse to cause to be done any of the things required by law in the carrying on of his business, then he shall be subject to a fine of \$1,000.

There was no penalty provided for any violation of the regulations of the Department, but only for refusing to do things required by the act of Congress itself. There was no act of Congress providing any penalty or making it unlawful to fail to comply with the departmental regulations. Of course there could be no fine imposed under such circumstances. But here, by this amendment, if it shall be agreed to and become law,

we will have a distinct and definite statutory declaration that any violation of the rule of the Department upon the subject under consideration shall constitute a violation of the law and be punishable by the fine specified.

The chairman of the committee having the bill in charge [Mr. Moon of Pennsylvania] concedes that the adoption of this or some other similar amendment will not be a violation of the principle which has guided his committee in conducting this bill through the Committee of the Whole. He has recognized the importance of some provision upon this subject. This, while not perfect, seems to me to be the best that has been offered.

My objection to it in its present form is that it would permit a man possibly to be convicted of the offense of violating a regulation of which regulation he had no knowledge. Now, if I understand the situation, the gentleman from Texas [Mr. BURLESON] is willing to accept the substitute of the gentleman from Kentucky [Mr. SHERLEY] and also the amendment which I offered to that substitute, providing that there shall be no conviction unless the party charged shall, prior to the commission of the offense, have been furnished with a copy of the regulations, so that he knew what it was that he was violating. With that amendment, so far as I am concerned, I am willing to accept the proposition of the gentleman from Kentucky.

Mr. BUTLER. I want to ask my colleague a question. Why is it necessary, in order to meet the condition described here, to have all this verbiage? Why not omit these words—

which information is required by law or under the rules or practices of any Department of the Government to be withheld from publication until a fixed time.

Why can you not define it by striking out those words? Why can you not thus in precise terms define the offense and then provide the punishment?

Mr. OLMSTED. It might be more clearly or concisely defined, but nobody seems to have offered an amendment to bring about that result, and the one offered seems to be the nearest thing to it.

Mr. BUTLER. May I be recognized until I can put the same question to the gentleman from Kentucky?

Mr. SHERLEY. In answer to the question, I think that goes to the gravamen of the offense; and if you undertake to strike that out, you have emasculated the statute.

Now, the gentleman will find that theoretically it is very easy to suggest that you can condense this statute. I have condensed the amendment offered by the gentleman from Texas into about half its original size; but if you go beyond that, you get to the point where you are creating no offense at all.

Mr. McCALL. I should like to ask the gentleman if striking those words out would not put the ban of secrecy forever upon this information, so they could never give it out?

Mr. SHERLEY. If the gentleman will think a moment, I think he will see that instead of making the law more clear, it would either make it very much more uncertain, or would, as suggested by the gentleman from Massachusetts [Mr. McCALL], prohibit forever the making public of the information.

Mr. BUTLER. What is the purpose here? It is to punish some one who violates a particular duty imposed upon him. I understand that it is the duty of some of the officers of the Agricultural Department to gather news concerning the condition of the crops, and among those the cotton crop.

Mr. BURLESON. And the wheat crop.

Mr. BUTLER. And the wheat crop and the corn crop. It is a very important duty, requiring a very high order of man, because the information he gathers he should keep to himself. Why not prescribe some punishment if he imparts that information, unless it is imparted in a certain way that Congress shall direct? Why not define the act specifically? Why leave it to the regulation of a Department? Do you not intend to punish the man who gives away this secret?

Mr. SHERLEY. If the gentleman will permit me—

Mr. BUTLER. Of course I will permit the gentleman. I want to be informed.

Mr. SHERLEY. When you are aiming at an evil of this kind, it is never as wise to enumerate some particular offense as it is by broad terms to deal with such offense and those of like character, and that we have done. We have used language properly worded, so as not to make it too broad, and yet comprehensive enough to embrace those cases we want. The gentleman's plan would necessitate the enumeration of those cases that happened to occur to him or to somebody else, and then about a year afterwards we should discover that some case that did not occur either to him or to the rest of us was the case to which we needed the law to apply.

Mr. BUTLER. I believe the purpose of the act is to punish

the person who discloses this information. Am I correct in this conclusion?

Mr. SHERLEY. I think the gentleman is correct.

Mr. BUTLER. Then why do you not provide a punishment for the man who discloses the information?

Mr. SHERLEY. I think we have.

Mr. BUTLER. Why not say that the man who discloses the information gathered in this way shall be deemed guilty of some offense?

Mr. SHERLEY. I think we have said so.

Mr. BUTLER. I do not think so.

Mr. SHERLEY. That is a matter of opinion.

Mr. BUTLER. In my judgment, you leave it to some Department officer to determine what particular act shall be punished.

Mr. SHERLEY. But the gentleman must know that we can not undertake to incorporate in this act all the regulations. And right upon that point, to show that it is nothing unusual, I would like to read the syllabus of a case which settles the legality of the proceeding and shows that it is not new. I read from the syllabus of the case of *Dastervignes et al. v. United States*, 122 Federal Reporter, page 30. It says:

The provision of the sundry civil appropriation act of June 4, 1897, relating to forest reservations (30 Stat., 35 U. S. Comp. St., 1901, p. 1540), which authorizes the Secretary of the Interior to "make such rules and regulations and to establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction," and which itself prescribes the penalty for violation of such regulations, is not unconstitutional as delegating legislative power to an administrative officer, but is a valid delegation of power to make administrative regulations in relation to details necessary to carry out the purpose of the act.

Mr. BONYNGE. Will the gentleman state what court that was?

Mr. SHERLEY. The circuit court of appeals for the ninth circuit.

Mr. BONYNGE. My understanding is—I am not certain about it—but my recollection is that there are different opinions in different circuits on that very proposition that you have now called attention to. Has the gentleman any case from the Supreme Court of the United States that goes to that extent?

Mr. SHERLEY. I know, if the gentleman from Colorado will permit me, that there are such cases, for I have read them. Of course I have not had the opportunity since this point was raised to examine them, but the distinction the gentleman fails to recognize is this: That Congress has to establish the offense and has to fix the penalty, but that Congress can say that the offense shall consist of the violation of the law and the regulations made in pursuance thereof. What Congress could not do would be to pass a law saying that the Department might make the regulations and might declare the violation of them a crime.

Mr. BONYNGE. Was not that what was done in the case that the gentleman has read from?

Mr. SHERLEY. No; that is a case like what is attempted to be done here. Congress said it shall be a crime to violate a specific law and regulations made in pursuance thereof. The distinction between that and the Department making a regulation and then declaring that the violation shall be a crime is the difference between constitutionality and unconstitutionality.

Mr. BONYNGE. My recollection was that the offense was created by the regulation.

Mr. SHERLEY. No; the offense is created by saying that it shall be an offense to violate the law and the regulations made in pursuance thereof.

Mr. DALZELL. The only difference is this: In the original act Congress prescribed the penalty, and in this case Congress by another act, which it can do just as well afterwards, prescribed the penalty.

Mr. SHERLEY. Absolutely. In other words, there have been repeated instances where Congress says it shall be a crime to violate a law and the regulations made in pursuance thereof. It is not a delegation of power to a Department to create a crime. It is permitting the Department to settle the details and work out the general law the violation of which Congress has declared shall be a crime.

Mr. McCALL. What does the gentleman have to say about the provision regarding the practice of the Department? How can it be determined what the practice is?

Mr. SHERLEY. I think if the word "practice" is given any meaning, it would have to be given the meaning of "regulation," and I am perfectly willing to eliminate it. I think the gentleman's suggestion that the word "practice" ought to go out is a good one, and, with the consent of the committee, I will move to strike out the word "practices" wherever it appears in the amendment. Mr. Chairman, I ask unanimous consent to

strike out from the amendment offered by me the words "and practices" wherever they occur.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to modify his amendment by striking out the words "and practices" wherever they appear in the amendment.

Mr. OLMSTED. Then, Mr. Chairman, I will ask unanimous consent to strike out the same words wherever they appear in my amendment to the amendment of the gentleman from Kentucky [Mr. SHERLEY].

The CHAIRMAN. The Chair hears no objection to the modification suggested by the gentleman from Kentucky. The gentleman from Pennsylvania asks unanimous consent that his amendment may be modified in the same way. Is there objection?

There was no objection.

Mr. DRISCOLL. Mr. Chairman, I now ask this question for information: Suppose, for instance, this amendment be adopted by Congress and it go into the law immediately, and suppose in the spring the Department of Agriculture is collecting statistics as to the wheat crop and there is some regulation that it shall not be published or disclosed until the 1st of July, and then that some man in the Department who is familiar with the facts does disclose those facts. What is he guilty of, or is he guilty of anything at all?

Mr. SHERLEY. He is guilty under this statute and is punishable by fine or imprisonment, or by both.

Mr. DRISCOLL. What is he guilty of?

Mr. SHERLEY. Of course if that opinion was given publicly to everybody the harm might not be great to anybody, although it might not be full information, and not being full information might mislead; but what would probably happen would be the giving of that information to certain people to enable them to take advantage of it and engage in speculation in the market.

Mr. DRISCOLL. The point I am getting at is, is there any further fundamental law the violation of which makes him liable?

Mr. LITTLEFIELD. Any statute other than this?

Mr. DRISCOLL. Yes; or anything else ahead of it.

Mr. SHERLEY. There is no law now that would punish a man in the Agricultural Department who is engaged in gathering the statistics in regard to cotton or wheat crops who should divulge that information to some special person or should himself use it for speculative purposes.

Mr. DRISCOLL. Should there not be some other law ahead of this, or a law empowering the Secretary of Agriculture to make regulations in order to fasten on this law and make a violation of it a crime?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. We are trying now to provide law for the punishment of just the offense the gentleman speaks of, and I think we have done it. In further answer to the remarks of the gentleman from Colorado [Mr. BONYNGE] I desire to say that in this case the view taken by the court was in accord with Supreme Court decisions. The court says:

The views upon this subject which we have briefly expressed was sustained by numerous authorities: *Feld v. Clark*, 143 U. S., 649; *Caba v. United States*, 152 U. S., 212; *Bushnell v. Leland*, 164 U. S., 684; *R. R. Co. v. Ohio*, 165 U. S., 365.

Then the court cites several circuit court of appeals decisions.

Mr. BONYNGE. But the gentleman has not those Supreme Court decisions.

Mr. SHERLEY. No; of course I can not bring the Supreme Court library to the gentleman.

Mr. BONYNGE. It might be that the judge who rendered that opinion of course felt that those cases sustained his views, and yet when we get the opinions lawyers might differ—

Mr. NORRIS. Oh, lawyers would differ. They always do.

Mr. SHERLEY. We might differ even after the court had clearly settled it; but in the absence of a case expressly showing the contrary and in the light of these cases that do uphold similar laws, I maintain it is not a question of power but simply a question of wisdom.

Mr. PAYNE. I would like to ask the gentleman a question. Suppose a man outside was in collusion with a man in a Department and wanted to get these secrets and the gentleman's amendment had become a law. The gentleman in the Department goes to the man outside and says, "Buy cotton." That

would not be revealing any secret of the Department. He might infer from that that the report showed that the cotton crop was short and that the price would ultimately go up. It would not be a violation of this law, and still it would be encouragement to speculation. Would it not be better, in view of the difficulties surrounding the attempted enforcement of this law, to make all the facts public at the time they were obtained by the Department, and give all speculators a chance, whether they were speculators who raised cotton or speculators who bought it or speculators who manufactured it—make it open to everybody, so that everybody could form a judgment as to what the price ought to be, instead of allowing somebody to get in collusion with those inside and get not information, but advice?

Mr. SHERLEY. If the gentleman will permit, there are two answers. The first is that the law now relative to publishing this data is not involved in the consideration of this amendment. We are now dealing with the concrete case of providing for the punishment of a disclosure of information that is required to be withheld. In further answer to the suggestion, it will occur that there must be some period of time in the gathering of these statistics when a man will have partial information before the period of time at which it could properly be given to the public, and if that partial information was given out it would have a very erroneous effect, and would do more harm than having no statistics. We must have a fixed time, and in fixing a time we ought to punish the man who undertakes to evade these good purposes of the law in order to speculate.

Mr. BURLERSON. Mr. Chairman, I believe everybody has had his say, and I desire only a word in conclusion upon the merits of this amendment. When I offered this amendment I had determined in my mind if I could not bring it within the rule defining the proper scope of amendment laid down by the gentleman from Pennsylvania [Mr. MOON], who has this bill in charge, and convince him that it was within the rule, that I would not press it. I recognize the danger in offering amendments to a bill of this kind, and but for the fact that the phraseology of this particular amendment had been so carefully considered, first before it was introduced by me as a bill and afterwards by the Judiciary Committees of the House and Senate, I would not have offered it at all. Believing that it could be brought within the rule so clearly outlined by the gentlemen in charge of this bill, I offered it, and it is gratifying to me that I have been able to put it upon a different footing from other amendments which have been offered, and the gentleman from Pennsylvania has so declared, and I am especially grateful to him for so stating. It is still more gratifying to me, Mr. Chairman, that I have been able to come so near as I have in drafting this amendment to meeting the wishes of the distinguished gentleman from Massachusetts [Mr. McCall]. The gentleman from Massachusetts, as I stated the other day, submitted a proposition to me upon the occasion when my bill was under discussion after being amended in conference, and responding thereto, I took a dead-level rest at the bill, changing same in line with his proposition, attempting to meet his wishes. We all know he is hard to please, and it is not surprising that I have not entirely succeeded in pleasing him now, but he has very kindly said that I came very near it, and for even that, Mr. Chairman, I am especially grateful. I have confined the provisions of this amendment, being in terms the same as my bill as reintroduced, to products of the soil. Now, with reference to the objection urged by the gentleman from Illinois [Mr. MANN] and the gentleman from Colorado [Mr. BONYNGE], I will state there is a general provision of law authorizing all the Departments to adopt regulations and rules not inconsistent with the law for the guidance of Department employees and in furtherance of the enforcement of laws with which they are chargeable. We have many cases of this character in the revenue service, the customs service, and notably cases of prosecution for violation of the quarantine regulations, regulations that are made by a Department, a violation of which is an offense, not because the Department has so declared, but because there is a statute enacted by the Congress declaring a violation of those regulations to be an offense punishable under the law. I am just as far as any Member on this floor from desiring to delegate, or attempting to delegate, if it could be done under the Constitution, authority to any Department to declare a penal offense. We do not do that or attempt to do so in this amendment. There is no effort whatever to permit the Department of Agriculture to declare an offense, but the amendment is quite narrow in its scope and simply declares that if an employee of the Agriculture Department becomes possessed of statistical information with reference to these important crops, by reason of the

fact that he is an employee, and knowingly gives it out prematurely in violation of the regulations of the Department, that he shall be punished. Frequently this information exerts a marked influence on the price of our principal products.

Now, just one word more and I will ask for a vote. Mr. Chairman, as I said the other afternoon, the wording of this amendment had been considered carefully by an Attorney-General of the United States before I introduced the bill. I drew the bill, and, for the reasons stated the other day, submitted it to the Solicitor-General, who made a few verbal changes, and at his suggestion we then submitted it to the then Attorney-General of the United States, and here is what the Attorney-General in a letter to me upon the subject said; it is quite short, but I will not take time to read it all; it is in the Record, placed there when the bill was under discussion last year:

I beg to say that the intent and language of your bill appear to me to strike at one of the most serious evils in official relations to the Government, and to be adequate for the purpose in view. Speaking to you informally, I therefore beg to say I approve the bill. It is likely, however, that in pursuance to the recommendation of my current annual report, I shall suggest to Congress before long a measure which shall deal with misconduct in office generally, either adding to the list of Federal offenses without definition, and leaving to the courts, etc.

Mr. OLMSTED. What Attorney-General was that?

Mr. BURLERSON. A gentleman who was formerly a Member of this body, but who now graces our Supreme Court, Mr. Justice William H. Moody.

Now, Mr. Chairman, to conclude. I have no words of criticism or disapprobation for anybody. As has been so well said by the gentleman from North Dakota [Mr. GRONNA], this is not a partisan matter. There is no law penalizing the misuse of the important statistical data gathered by the Department relating to our important crops. We want to make it an offense to take advantage of this information gathered by these officials in the Department of Agriculture for corrupt and speculative purposes. That is the sole purpose of this law. As I have said, this amendment is not broad, but is quite narrow, confining the offense to the premature disclosure of such information as would tend to affect the market price of products of the soil alone.

Now, I ask the adoption of the substitute amendment, which is my amendment changed to conform to the phraseology used by the revision committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] to the substitute offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the amendment was agreed to.

Mr. BURLERSON. Mr. Chairman, can I accept the substitute of the gentleman from Kentucky [Mr. SHERLEY]?

The CHAIRMAN. The gentleman can not accept it in a parliamentary sense. The question is on agreeing to the substitute offered by the gentleman from Kentucky [Mr. SHERLEY] to the amendment offered by the gentleman from Texas [Mr. BURLERSON].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Texas [Mr. BURLERSON] as amended by the substitute offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the amendment was agreed to. Mr. GAINES of Tennessee rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. To offer an amendment to a section. It is to punish individuals who make a wrong calculation in the Department of Agriculture.

Mr. MOON of Pennsylvania. Mr. Chairman, I object to that, because we have passed this title. These three amendments were especially reserved, and all the sections here have been considered and passed, and it was distinctly understood by that reservation that we would return to this title for the purposes of those amendments only.

The CHAIRMAN. The Chair understands that, so far as the amendments that have been acted upon, but the committee has not passed this title until it begins to read the next, and the Chair thinks the gentleman from Tennessee [Mr. GAINES] is in order. The Chair assumes that this section comes in at the end of the chapter.

Mr. GAINES of Tennessee. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 125. Whoever being an officer or employee of the United States, or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any Department or office thereof, and while holding such office, employment, or position, shall, by virtue of the office or employment, willfully make, issue, or publish

any corrupt calculation of agricultural crops of any kind shall be deemed guilty of a felony and shall, upon conviction, be punishable by a fine of not less than \$500 and imprisonment in the penitentiary for not less than one or more than five years; and any court having jurisdiction shall charge at each term grand juries to investigate violations of the provisions of this act.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I do not think that there is a single word on the statute books that would impose the slightest punishment on any individual in the Agricultural Department who willfully issued an erroneous calculation or who made an erroneous calculation willfully. Not one.

The evil came immediately under my observation in this way. An erroneous calculation was made by some one in that Department, and we have never been able—at least, I have never been able—to find out exactly who did it. Those who made the calculation were two women. First it was "one" woman and then "two women." We succeeded in running the matter down that far in the Agricultural Department. The employees who should have made the calculation did not make it, but they put these women to doing it. They had been working in some obscure part of the Department of Agriculture. They had not theretofore been engaged in making calculations, but for some reason they were put on this work, and the result was such an erroneous one as to shock the whole tobacco market of the United States and Secretary Wilson. The error consisted of this, that the acreage of tobacco was increased about 25 or 30 per cent. By increasing the estimate as to acreage and publishing that the price of tobacco was depressed, and the tobacco grower lost and the tobacco buyer, of course, got the price reduced and got the farmer's tobacco for less than he should have gotten it.

This is not confined to tobacco. I want the committee to understand that they raise something else in this country besides tobacco. They raise corn, wheat, barley, and a great many agricultural products, and these people who make the calculations about tobacco make them for your corn and your wheat and your other agricultural products. Now, why not make it a felony for one to make or issue a corrupt calculation? There was no law on the subject. These people went unwhipped. I came all the way from Nashville up here to see about it after we had tried to settle it by letter, and Secretary Wilson himself set to work with his immediate aids, and finally found that there was a most outrageous miscalculation of the crop of tobacco; and in a few weeks corrected it and sent it out over the country. Gentlemen, with such an experience as that, with which my distinguished friend from Kentucky [Mr. OLLIE M. JAMES] is entirely familiar, as well as my friend Mr. STANLEY who happens to be absent because of illness, the people of Virginia and the Carolinas, and the tobacco people of Pennsylvania and Wisconsin, in Michigan, in Missouri, in Illinois, and in Indiana, suffered as a result of the miscalculation. Now, would any fair-minded jury in the United States have acquitted men who abandoned their post of duty as these men did and went out into the auxiliary departments of the Agricultural Department and brought in these poor, ignorant women and put them at their work, well knowing they were not experts at it, and that there would be some mistake one way or the other, and most probably against the growers and in favor of the trusts? This amendment will stop that and punish the guilty. I appeal to the Members to stand by the farmers all over the land and pass this amendment.

Mr. MOON of Pennsylvania. Mr. Chairman, I say nothing about the necessity or importance of this kind of legislation. I say only it has no place in this bill for reasons heretofore stated. It brings in another class of persons for another thing not denounced as a crime, something that Congress has never legislated upon. For that reason, and that reason only, I hope it will be voted down.

Mr. OLLIE M. JAMES. Mr. Chairman, it may be true, as suggested by the gentleman from Pennsylvania [Mr. Moon], that this amendment brings under consideration another class of persons, but it brings under consideration, nevertheless, a criminal class of persons—a criminal class of the worst character.

Now, your committee only a moment ago accepted an amendment providing if a person goes out and sells information or gives information that affects the markets of the farmers, he shall be subject to a penalty which you provide. That is well and good. I am heartily and sincerely in favor of that. But what difference, pray tell me, is there in the culpability and criminality of a man who sells information and he who falsely makes up statistics designed to affect the market, to affect the corn, the wheat, or the tobacco market. The man who sells or gives out in advance the report of the Department does this for money to aid the man who plays the market; yet, the man

who makes the false report more directly injures the farmer, for he does this to aid monopoly in depressing the price. You make one man a criminal for giving it out and provide no penalty for the criminal who makes out the false report that affects the price of the farmer's product. If you are going to make a law which protects the products of the country, will you not make a criminal offense for the man who, for money given him by the tobacco trust, the cotton trust, or by the wheat trust, makes out a false report and claims that the production of cotton and wheat and tobacco is so much greater this year than last, thereby affecting the price of those products and inducing the farmer to take a less price for his products than he otherwise might obtain? We had an actual experience of this in tobacco, as stated by my friend from Tennessee. When the Agricultural Department issued a report on the tobacco crop, year before last, saying that the tobacco crop set was the greatest ever known, and this was flashed over the tobacco-producing country, to the great surprise of all farmers, when the truth was discovered, the crop, instead of the largest was the smallest, the Department explained that it was an error in addition which caused this; yet many farmers sold, believing this information true. The tobacco trust reaped a great harvest by this false information. The tobacco growers had organized to destroy the trust, and the tobacco trust was endeavoring to destroy this organization. This false statement was issued, indicating that there was more tobacco planted than ever before. The trust went out with all its agencies to the farmers and said, "Sell your tobacco hurriedly." The farmer asked why. The agent of the tobacco trust said, "Because the report of the Agricultural Department states that more tobacco has been planted than ever before and the price of tobacco will go down, down, down." Does the gentleman from Pennsylvania believe that the men who are the very ground rock of the Republic, the men who woo from the earth subsistence—not only for the people in Pennsylvania, but for the world—should be made the buffer of all men who would do such criminal things as this? I am heartily in favor of this amendment, and it is a matter of sincere regret to me that it was not included in this bill without being necessary to bring it onto the floor in the way of an amendment to reach this class of criminals. [Applause.] The farmer asks no price greater than supply and demand will give him. Let him have this. I appeal to you to manacle the hands of the criminal trust which would buy up men to fetter the price of his products. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. OLLIE M. JAMES. Division!

The committee divided, and there were—ayes 33, noes 36.

Mr. OLLIE M. JAMES. No quorum. On a question of so much importance we ought to have a quorum.

The CHAIRMAN. The point of no quorum is made. The Chair will count.

Mr. OLLIE M. JAMES. Mr. Chairman, I call for an announcement of the vote.

The CHAIRMAN. The Chair is counting to ascertain the presence of a quorum.

Mr. OLLIE M. JAMES. I know you are counting, and I call for the count.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, and had come to no resolution thereon.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request of the Senate, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
January 20, 1908.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2725) to extend the time for completion of the building of dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2901. An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims—to the Committee on Indian Affairs.

S. 438. An act to divide the State of Oregon into two judicial districts—to the Committee on the Judiciary.

S. 2372. An act to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 23, 1901—to the Committee on the District of Columbia.

S. 2028. An act to amend section 605 of the Code of Law for the District of Columbia relating to corporations—to the Committee on the District of Columbia.

S. 902. An act authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. 37. An act to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

S. 903. An act to amend section 2, chapter 433, Thirtieth Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washington, D. C."—to the Committee on the District of Columbia.

S. 2029. An act providing for the appointment of members of the Board of Charities of the District of Columbia, and of the Board of Children's Guardians—to the Committee on the District of Columbia.

S. 2295. An act to extend the time within which the Washington and Western Maryland Railroad Company shall be required to complete the road of said company under the provisions of an act of Congress approved March 2, 1889, as amended by an act of Congress approved June 28, 1906—to the Committee on the District of Columbia.

WITHDRAWAL OF PAPERS.

Mr. HOWELL of Utah, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry C. Snyder, Sixtieth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And, accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for surveying homesteads within national forests—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the service of the fiscal year ending June 30, 1909, for care and custody of the insane in Alaska—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting letter from the Treasurer of the United States submitting an estimate of appropriation for the office of Treasurer of the United States—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Treasurer of the United States submitting an estimate of appropriation for the office of assistant clerk to the Treasurer—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama, reported the same without amendment, accompanied by a report (No. 314), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6033) granting an increase of pension to Fred B. Bowman, reported the same with amendment, accompanied by a report (No. 287), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6313) granting an increase of pension to Charles Helper, reported the same with amendments, accompanied by a report (No. 288), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7034) granting an increase of pension to Aaron T. Dooley, reported the same without amendment, accompanied by a report (No. 289), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7878) granting an increase of pension to John Redeker, reported the same without amendment, accompanied by a report (No. 290), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4653) granting an increase of pension to Jose M. Jarmillo, reported the same with amendment, accompanied by a report (No. 291), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13120) granting an increase of pension to William G. McConnell, reported the same without amendment, accompanied by a report (No. 292), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12521) granting an increase of pension to Henry Cash, reported the same with amendments, accompanied by a report (No. 293), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12782) granting an increase of pension to Roland M. Clark, reported the same with amendments, accompanied by a report (No. 294), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5617) granting an increase of pension to Andrew Balbach, reported the same without amendment, accompanied by a report (No. 295), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4089) granting a pension to Thomas B. Aber, reported the same with amendments, accompanied by a report (No. 296), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6084) granting an increase of pension to Patrick McGrain, reported the same without amendment, accompanied by a report (No. 297), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7519) granting an increase of pension to Jacob Mercer, reported the same with amendment, accompanied by a report (No. 298), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2662) granting an increase of pension to Patrick Fitzgerald, reported the same with amendment, accompanied by a report (No. 299), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6932) granting an increase of pension to John O. Warwick, reported the same with amendment, accompanied by a report (No. 300), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8101) granting an increase of pension to Morris Hayes, reported the same without amendment, accompanied by a report (No. 301), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3265) granting an increase of pension to Matilda C. Carruth, reported the same with amendments, accompanied by a report (No. 302), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3070) granting a pension to Anna E. Lucas, reported the same with amendments, accompanied by a report (No. 303), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4489) granting an increase of pension to Benjamin B. Brininger, reported the same with amendment, accompanied by a report (No. 304), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2658) granting a pension to James Bates, reported the same with amendments, accompanied by a report (No. 305), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1607) granting an increase of pension to Daniel Carter, reported the same with amendments, accompanied by a report (No. 306), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5621) granting an increase of pension to Mary A. Ricketts, reported the same with amendment, accompanied by a report (No. 307), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4696) granting an increase of pension to Henry R. Darst, reported the same with amendments, accompanied by a report (No. 308), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4127) granting an increase of pension to Maria Green, reported the same without amendment, accompanied by a report (No. 309), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12561) granting an increase of pension to Aurelia E. Willard, reported the same with amendment, accompanied by a report (No. 310), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12509) granting an increase of pension to Mary Williams, reported the same with amendment, accompanied by a report (No. 311), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12320) granting an increase of pension to Emilie Borchert, reported the same with amendments, accompanied by a report (No. 312), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11011) granting an increase of pension to Milton Kinder, reported the same with amendment, accompanied by a report (No. 313), which said bill and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14446) for the relief of A. J., C. C., and T. W. Hodges, reported the same without amendment, accompanied by a report (No. 315), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 13554, reported in lieu thereof a resolution (H. Res. 171) referring to the Court of Claims the papers in the case of D. M. Sprague and William Tilton, accompanied by a report (No. 318), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4554, reported in lieu thereof a resolution (H. Res. 172) referring to the Court of Claims the papers in the case of J. E. Caldwell, accompanied by a report (No.

319), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9629), reported in lieu thereof a resolution (H. Res. 173) referring to the Court of Claims the papers in the case of Chester Bethell, accompanied by a report (No. 320), which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. WALDO, from the Committee on War Claims, to which was referred the bill of the House (H. R. 517), repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, reported the same adversely, accompanied by a report (No. 316), which said bill and report were laid on the table.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7802) for the relief of Louis Kahn, reported the same adversely, accompanied by a report (No. 317), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4327) granting an increase of pension to George Benavides Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11052) granting a pension to Alex Owsley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11945) granting an increase of pension to Barney Gordon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12608) granting a pension to Belle E. Secrist—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13926) granting a pension to Andrew J. Arendell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13935) granting an honorable discharge to Harrison McWilliams, alias Charles Watters—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEISSE: A bill (H. R. 14635) authorizing and requiring the Secretary of the Treasury to issue noninterest-bearing Treasury notes in certain contingencies—to the Committee on Ways and Means.

By Mr. RHINOCK (by request): A bill (H. R. 14636) creating a railway hospital service within the United States—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14637) to provide for the construction of an ice harbor in the Kentucky River at or near Carrollton, Ky.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Arizona: A bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes—to the Committee on the Territories.

By Mr. BENNET of New York: A bill (H. R. 14639) to classify certain grades in numbered post-office stations—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: A bill (H. R. 14640) to provide for the purchase of a site and the erection of a public building thereon at Steelton, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. CANDLER: A bill (H. R. 14641) to prohibit the receipt, delivery, or transmission of interstate or foreign messages or other information to be used in connection with and to prohibit interstate and foreign transactions of every character and description that in any wise depend upon margins as a part thereof, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14642) to repeal sections 3412 and 3413 of the Revised Statutes and parts of sections 19 and 20 of an act amending the customs and internal-revenue laws, approved February 8, 1875—to the Committee on Ways and Means.

By Mr. PORTER: A bill (H. R. 14643) appropriating money for the repair and improvement of the harbor at Wilson, N. Y.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14644) appropriating money for the repair and improvement of the harbor at Olcott, N. Y.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14645) appropriating money for the repair and improvement of the harbor at Oak Orchard, N. Y.—to the Committee on Rivers and Harbors.

By Mr. BENNETT of Kentucky: A bill (H. R. 14646) granting additional compensation to surviving Union soldiers and marines who were prisoners of war during the civil war—to the Committee on War Claims.

By Mr. COUDREY: A bill (H. R. 14647) to increase the compensation of bookbinders, printers, and pressmen in the Government Printing Office—to the Committee on Printing.

By Mr. WALLACE: A bill (H. R. 14648) for the erection of mounds for the protection of human life and stock along the banks of the Mississippi River between the Government levees and the river—to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Indiana: A bill (H. R. 14649) to amend section 1418 and section 1419, prohibiting minors from enlisting to serve in the Navy without the consent of the parents or guardian until such minors arrive at the age of 21 years—to the Committee on Naval Affairs.

By Mr. LEE: A bill (H. R. 14650) appropriating \$10,000 to construct a Government road, commencing at a point on the Government road at the mineral springs near Peelers Mill, now known as the Hitt place, thence in a northerly direction along the public road for a distance of 4 miles to Graysville, Catoosa County, Ga.—to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 14651) to provide for the appointment and compensation of civilian professors and civilian instructors at the Naval Academy—to the Committee on Naval Affairs.

By Mr. VOLSTEAD: A bill (H. R. 14652) to provide for the purchase of a site and the erection of a public building thereon at Willmar, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 14653) to amend section 3847 of the Revised Statutes of the United States relative to the custody of Government money in the hands of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: A bill (H. R. 14654) to establish Army canteens at the several military posts of the United States Army and National Soldiers' Homes—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 14655) to amend the laws relating to American seamen, to prevent undermanning and unskilled manning of American vessels, and to encourage the training of boys in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: A bill (H. R. 14656) to repeal certain laws relating to permanent and indefinite appropriations—to the Committee on Appropriations.

By Mr. HASKINS, from the Committee on War Claims: Resolution (H. Res. 171) referring to the Court of Claims the bill H. R. 13554—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 172) referring to the Court of Claims the bill H. R. 4554—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 173) referring to the Court of Claims the bill H. R. 9629—to the Private Calendar.

By Mr. McCALL: Resolution (H. Res. 174) requesting certain information from the Secretary of War—to the Committee on Insular Affairs.

By Mr. HENRY of Connecticut: Resolution (H. Res. 175) providing for the payment of a session clerk for the Committee on Expenditures on Public Buildings—to the Committee on Accounts.

By Mr. HAUGEN: Resolution (H. Res. 176) providing for a session clerk to the Committee on Expenditures in the Interior Department—to the Committee on Accounts.

By Mr. LAWRENCE: Resolution (H. Res. 177) providing for a session clerk to the Committee on Expenditures in the War Department—to the Committee on Accounts.

By Mr. FOSTER of Vermont: Resolution (H. Res. 178) providing for a session clerk to the Committee on Expenditures in

the Department of Commerce and Labor—to the Committee on Accounts.

By Mr. BOUTELL: Resolution (H. Res. 179) providing for a session clerk to the Committee on Expenditures in the Navy Department—to the Committee on Accounts.

By Mr. TAWNEY: Resolution (H. Res. 180) requesting certain information from the Secretary of the Treasury concerning certain appropriations—to the Committee on Appropriations.

By Mr. ASHBROOK: Joint resolution (H. J. Res. 105) for a monument for ex-President John Tyler—to the Committee on the Library.

By Mr. BOOHER: Joint resolution (H. J. Res. 106) to provide for the printing of 250,000 copies of the Special Report on the Diseases of Cattle—to the Committee on Printing.

By Mr. CANDLER: Joint resolution (H. J. Res. 107) proposing to amend the Constitution by repealing the fifteenth amendment—to the Committee on the Judiciary.

By Mr. ASHBROOK: Joint resolution (H. J. Res. 108) for a permanent committee to provide for monuments over the graves of deceased Presidents—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 14657) granting a pension to John W. Irvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14658) granting a pension to Carey C. Seemuller—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 14659) for the relief of Ellen F. Carter—to the Committee on War Claims.

Also, a bill (H. R. 14660) for the relief of R. Smith Bailey—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 14661) to correct the military record of George L. Hayne, late first lieutenant Company C, First Regiment Louisiana Cavalry—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 14662) granting an increase of pension to John H. Goss—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 14663) granting an increase of pension to Mary Whelchel—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 14664) granting an increase of pension to James H. Tyree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14665) granting an increase of pension to George W. Milar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14666) granting an increase of pension to Henry C. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14667) granting an increase of pension to Alexander Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14668) granting an increase of pension to Joseph Fields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14669) granting an increase of pension to Hiram Fultz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14670) granting an increase of pension to William Nunley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14671) granting an increase of pension to Benjamin Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14672) granting an increase of pension to Fernando Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14673) granting an increase of pension to George W. Oldham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14674) granting an increase of pension to John McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14675) granting an increase of pension to Paul Gettis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14676) granting an increase of pension to James M. Cartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14677) granting an increase of pension to William T. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14678) granting an increase of pension to Francis Prater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14679) granting an increase of pension to Major M. Virgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14680) granting a pension to Elizabeth Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14681) granting a pension to Mrs. Manan Childers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14682) granting a pension to Reese Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14683) granting a pension to Lydia Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14684) granting a pension to John Endicott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14685) for the relief of Weaden T. Dailey—to the Committee on Military Affairs.

Also, a bill (H. R. 14686) for the relief of Daniel Vanover—to the Committee on Military Affairs.

Also, a bill (H. R. 14687) for the relief of John W. Remy—to the Committee on War Claims.

Also, a bill (H. R. 14688) for the relief of Thomas J. Ewing—to the Committee on Claims.

Also, a bill (H. R. 14689) for the relief of members of the Fortieth Regiment Kentucky Mounted Infantry—to the Committee on War Claims.

Also, a bill (H. R. 14690) for the relief of the Methodist Episcopal Church of Louisa, Lawrence County, Ky.—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 14691) granting an increase of pension to Thomas V. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14692) granting an increase of pension to Susan E. Dill—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14693) for the relief of Laura Taylor Spencer—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 14694) for the relief of James P. Newton—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 14695) to correct the military record of Michael Rapple—to the Committee on Military Affairs.

Also, a bill (H. R. 14696) to correct the military record of Lewis Rankin—to the Committee on Military Affairs.

Also, a bill (H. R. 14697) granting an increase of pension to Madison O. Rose—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 14698) granting a pension to Emma M. Heines—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 14699) to remove the charge of desertion against Aaron B. Van Pelt and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 14700) granting an increase of pension to William Connell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14701) granting an increase of pension to John W. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14702) granting an increase of pension to John McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14703) granting an increase of pension to Charles M. Anderson—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 14704) granting an increase of pension to William Locust—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 14705) granting an increase of pension to C. L. Stevenson—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 14706) granting an increase of pension to Jane L. Fagg—to the Committee on Pensions.

By Mr. DIEKEMA: A bill (H. R. 14707) for the relief of James W. Miles—to the Committee on Military Affairs.

Also, a bill (H. R. 14708) granting an increase of pension to Arie Koning—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 14709) granting an increase of pension to Orion B. Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14710) granting an increase of pension to Florence Mahoney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14711) to remove the charge of desertion against John N. Barker—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14712) granting an increase of pension to Oscar Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14713) granting an increase of pension to George Dolaway—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 14714) granting an increase of pension to Margaret C. McClellan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14715) granting an increase of pension to David Hoag—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 14716) granting an increase of pension to Henry M. Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14717) granting a pension to Mary E. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14718) granting a military bounty land warrant to John B. Anderson—to the Committee on the Public Lands.

By Mr. HAMILTON of Michigan: A bill (H. R. 14719)

granting a pension to Olivia E. Caswell—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 14720) granting an increase of pension to Logan Hughes—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 14721) granting a pension to Julia A. Roy—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 14722) granting an increase of pension to James M. Harrison—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 14723) for the relief of Jacob Dillon—to the Committee on War Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 14724) granting a pension to Rush Patterson—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 14725) for the relief of the estate of William H. Fuqua—to the Committee on War Claims.

Also, a bill (H. R. 14726) for the relief of the estate of James Groves—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 14727) granting an increase of pension to Elizabeth Sheean—to the Committee on Pensions.

By Mr. KEIFER: A bill (H. R. 14728) granting an increase of pension to Samuel H. McClay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14729) granting an increase of pension to James T. Hensley—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 14730) to remove the charge of desertion from the military record of George Gillett—to the Committee on Military Affairs.

Also, a bill (H. R. 14731) granting an increase of pension to John Leeshman—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 14732) granting a pension to William S. Sykes—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 14733) for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 14734) to correct the naval record of Randolph W. Campbell—to the Committee on Naval Affairs.

By Mr. LOVERING: A bill (H. R. 14735) to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy—to the Committee on Naval Affairs.

By Mr. MILLER: A bill (H. R. 14736) granting an increase of pension to Selden S. Hall—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 14737) granting an increase of pension to Orlando H. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14738) granting an increase of pension to Gilman L. Pike—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 14739) granting an increase of pension to Patrick J. Bench—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14740) granting an increase of pension to Charles J. M. Temple—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 14741) for the relief of Jacob Poss—to the Committee on War Claims.

Also, a bill (H. R. 14742) for the relief of Jacob Poss—to the Committee on War Claims.

Also, a bill (H. R. 14743) granting an increase of pension to Louie A. Sterick—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 14744) granting a pension to Kate M. Chapman—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 14745) granting a pension to Rose Ann Fitzhenry—to the Committee on Pensions.

Also, a bill (H. R. 14746) granting an increase of pension to William H. Chrouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14747) granting a pension to William B. Haines—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 14748) granting a pension to Franklin Lear—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 14749) for the relief of the heirs of Mary Edwards, deceased—to the Committee on War Claims.

By Mr. RUSSELL of Texas: A bill (H. R. 14750) for the relief of the estate of John B. Henderson, deceased—to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 14751) granting an increase of pension to George W. Moore—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 14752) granting a pension to William J. Martin—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 14753) granting a pension to Amos Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14754) granting a pension to Patty Ray—to the Committee on Pensions.

Also, a bill (H. R. 14755) granting an increase of pension to John L. Sullivan—to the Committee on Pensions.

Also, a bill (H. R. 14756) granting an increase of pension to Mary Ann Cody—to the Committee on Pensions.

Also, a bill (H. R. 14757) granting an increase of pension to Elizabeth S. Hess—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 14758) granting an increase of pension to Eri B. Sabine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14759) granting an increase of pension to Ferdinand Pfennig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14760) granting an increase of pension to Annie E. Callaghan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14761) granting an increase of pension to Gustav Wernicke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14762) granting an increase of pension to Barney Eygabroad—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14763) granting an increase of pension to John N. Braun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14764) granting an increase of pension to Frederick Schwieder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14765) granting an increase of pension to John D. Owen—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bills for relief of R. Smith Bailey and Ellen F. Carter—to the Committee on War Claims.

Also, petition of Charleston (S. C.) Chamber of Commerce, for the Appalachian and White Mountain Reservation bill—to the Committee on Agriculture.

By Mr. ASHBROOK: Paper to accompany bill for relief of Joseph Jackson—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of Typographical Union No. 8, of St. Louis, Mo., for revision of tariff on wood pulp—to the Committee on Ways and Means.

By Mr. BATES: Petition of Second National Bank of Titusville, Pa., against section 8 of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petitions of Athens Grange, No. 304, of Centerville, Pa., and French Creek Valley Grange, No. 988, Patrons of Husbandry, of Meadville, Pa., for amendment to the antioleomargarine law—to the Committee on Agriculture.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John W. Remy—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Rufus W. King and Charles F. Norton—to the Committee on Pensions.

Also, papers to accompany bills for relief of John Indicott, Francis Prater, James H. Tyree, Alexander Hanner, James M. Tyree, George W. Oldham, Fernando Cook, Mrs. Marian Childers, William Nunley, and Hiram Fultz—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Methodist Episcopal Church of Louisa, Lawrence County, Ky.—to the Committee on War Claims.

Also, petition of Lewis County ex-prisoners of war, for pension legislation that shall do justice to ex-prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Frederick Amory and others, for the White Mountain and Southern Appalachian forest bill (H. R. 10457)—to the Committee on Agriculture.

By Mr. CALDER: Petition of Travelers' Protective Association, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, Petition of Alumni Association of New York Nautical School, against action of Navy Department in detaching officers of the Navy from duty as superintendents of nautical schools—to the Committee on Naval Affairs.

Also, petition of Asiatic Exclusion League, for enactment of an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Immigration and Naturalization.

By Mr. CARLIN: Paper to accompany bill for relief of Emma M. Heines—to the Committee on Invalid Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of the Shawnee Indians (H. R. 14399)—to the Committee on Indian Affairs.

Also, paper to accompany bill for relief of Charles M. Anderson—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of Commercial Club of Cedar Rapids, Iowa, favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of Commercial Club of Cedar Rapids, Iowa, for granting of a hearing before a change of railway rate may be effective—to the Committee on Interstate and Foreign Commerce.

By Mr. COUDREY: Petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DUNWELL: Petition of Alumni Association of New York Nautical School, against detaching officers of Navy from duty as superintendents of the nautical schools—to the Committee on Naval Affairs.

Also, petition of Local Union No. 6, International Typographical Union of North America, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Chicago Real Estate Board, for appropriation for Gulf deep waterway—to the Committee on Rivers and Harbors.

Also, petition of N. Johannsen, for currency legislation—to the Committee on Banking and Currency.

Also, petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Peter Mastaglio—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Chamber of Commerce of New York, for liberal subsidy for ocean mail service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of International Typographical Union of North America, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of citizens of the District of Columbia, for control of street railways in the District of Columbia by the Commissioners and investigation of said roads by Congress—to the Committee on the District of Columbia.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Boling—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Papers to accompany bills for relief of Lida Nesbit, James P. Milton, John R. C. Bray, William Sprinkle, James A. Lowe, F. M. Reddick, E. B. McMillen, Henry C. Foster, James Fagan, Cyrus B. Hampton, Daniel Brashier, Elisha R. Williams, Warren Martin, Mary F. Shank, David Roney, Charles Johnson, John A. Crozier, Ahijah Highsmith, Sylvanus Foster, and John Warner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Lewis—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of Commercial Travelers' Congress of San Francisco, Cal., against a parcel-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Negro Fair Association, for appropriation of \$250,000, for the National Negro Fair to be held in Mobile, Ala., in the autumn of 1908—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Commercial Travelers' Union, for Congressional investigation of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Sidney A. Leberman, for amendment of clause E of the Kittredge copyright bill (S. 2900)—to the Committee on Patents.

By Mr. HOWELL of Utah: Petition of governor and legislature of Utah, for appropriation for improving navigation of Grand and Green rivers in said State—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: Petition of College Springs (Iowa) Presbytery, for a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of James R. Evans—to the Committee on War Claims.

By Mr. KAHN: Petition of Commercial Travelers' Congress, of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of San Francisco Lodge, No. 68, Association of Mechanics, for an effective Asiatic laborers exclusion law—to the Committee on Immigration and Naturalization.

By Mr. LAW: Papers to accompany bills for relief of Margarete Gascoigne, Barbara Haase, and Ida W. Maples—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of citizens of Dixfield, Me.,

for a volunteer retired list—to the Committee on Military Affairs.

By Mr. LOUD: Petition of Henry W. Highby and others, citizens of Harbor Springs, Mich., for pension law giving soldiers who have served eighteen months \$1 per day—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Local Union, No. 4, of Philadelphia, International Printers' Union, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of New York Chamber of Commerce, for a liberal ship subsidy for ocean mail service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Nebraska Commandery of Loyal Legion, for volunteer retired list—to the Committee on Military Affairs.

By Mr. RIORDAN: Petition of New York Nautical School, against detaching officers of Navy from duty as superintendents of nautical schools—to the Committee on Naval Affairs.

Also, petition of Commercial Travelers' Congress, of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PUJO: Petition of Crescent City Harbor, No. 18, American Association of Masters, Mates, and Pilots of Steam Vessels, against passage of H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Oberlin, La., against H. R. 10215 (relative to the Cole heirs)—to the Committee on the Public Lands.

Also, petition of Commercial Travelers' Congress, of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Commercial Travelers' Association, of San Francisco, Cal., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Telegraphers' Union of America, for investigation by Congress of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Papers to accompany bills for relief of David W. Conrath and Blair W. Peck—to the Committee on Invalid Pensions.

Also, petition of William Watson Post, No. 332, to amend section 1754 of the Revised Statutes in regard to the civil service—to the Committee on Reform in the Civil Service.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Bert O. Brown—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of purchasers of land on ceded Indian reservation in Minnesota, which was purchased under the act of February 20, 1904, asking for additional homestead right—to the Committee on the Public Lands.

By Mr. WALLACE: Paper to accompany bill for relief of William J. Martin—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of M. A. Jacobs and others, of Beaver Dam, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Wisconsin Pea Packers' Association, for legislation to correct faults of the currency system—to the Committee on Banking and Currency.

Also, petition of students of the Wisconsin short course in agriculture, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of Audubon Societies, for appropriation to continue the Bureau of Biological Survey—to the Committee on Agriculture.

Also, petition of W. S. Richardson, National Association of Retail Druggists, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Institute of Arts and Letters, for removal of tariff on works of art—to the Committee on Ways and Means.

Also, petition of citizens of the District of Columbia, for control of the street car railways by Commissioners of the District, and investigation of said roads by Congress as to their organization and capitalization—to the Committee on the District of Columbia.

Also, petition of Commercial Travelers' Congress, of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Interdenominational Missionary

Union, for a Sunday rest day in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, for H. R. 24575, providing appropriation for industrial training in agricultural high schools—to the Committee on Agriculture.

Also, petition of Science Club of University of Wisconsin, for legislation to secure the preservation of forests—to the Committee on Agriculture.

Also, petition of Loyal Legion Commandery of Wisconsin, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. WILEY: Petition of Gadsden (Ala.) Commercial and Industrial Association, for forest reservation in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. WILLETT: Petition of Alumni Association of New York Nautical School, against order detaching naval officers from command of nautical school ships—to the Committee on Naval Affairs.

By Mr. WILSON of Illinois: Petitions of Clayton R. Taylor, Edward C. Fitch and 59 others, William J. Hall and 25 others, D. H. Wamsley and 16 others, and George V. Dieter and 21 others, all of Chicago, Ill., for a volunteer retired list—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, January 22, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SPANISH TREATY CLAIMS COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Spanish Treaty Claims Commission, submitting estimates amounting to \$52,237.75 to pay awards of the Commission, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Charles H. Evans *v.* United States;
In the cause of La Grange Lodge, No. 36, Independent Order of Odd Fellows, of Boonesboro, Md., *v.* United States;
In the cause of Newton Woodyard *v.* United States; and
In the cause of H. C. Bowen, administrator de bonis non of William A. Bowen, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 2725) to extend the time for completion of the building of the dam across the Mississippi River near the village of Bermidji, Beltrami County, Minn.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Edward C. Wade, of Los Angeles, Cal., praying for the enactment of legislation to open up the Court of Claims to claimants now debarred by the limitation of the statutes, which was referred to the Committee on Claims.

Mr. PLATT presented a petition of Local Union No. 9, International Typographical Union of North America, of Buffalo, N. Y., and a petition of Local Union No. 96, International Typographical Union of North America, of Glens Falls, N. Y., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. GALLINGER presented a memorial of the South Washington Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation to authorize the continuance of the railroad siding in square 737 in that city, which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of Good Hope Grange, No. 187, Patrons of Husbandry, of Lost Creek, W. Va., praying for the enactment of certain postal legislation as recommended by